

MEETING
STATE OF CALIFORNIA
THE RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

RESOURCES BUILDING
1416 NINTH STREET
AUDITORIUM
SACRAMENTO, CALIFORNIA

FRIDAY, APRIL 18, 2008

8:43 A.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Mr. Benjamin Carter, President

Mr. Butch Hodgkins, Vice President

Ms. Lady Bug Doherty, Secretary

Mr. John Brown

Ms. Teri Rie

Ms. Emma Suarez

STAFF

Mr. Jay Punia, Executive Officer

Mr. Eric Butler, Senior Engineer

Ms. Virginia Cahill, Legal Counsel

Mr. Dan Fua, Supervising Engineer

Mr. Gary Hester, Chief Engineer

Ms. Lorraine Pendlebury, Staff Analyst

Mr. Geoffrey Shumway, Staff Analyst

DEPARTMENT OF WATER RESOURCES

Mr. Steve Dawson, Acting Chief, Floodway Protection

Ms. Nancy Finch, Staff Counsel

Mr. Dave Gutierrez, Acting Deputy Director, Public Safety
& Business Operations

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APPEARANCES CONTINUED

Mr. George Qualley, Chief, Division of Flood Management

Mr. Chris Scobba

Mr. Keith Swanson, Chief, Flood Maintenance Office

ALSO PRESENT

Mr. Paul Brunner, Three Rivers Levee Improvement Authority

Mr. Tom Eres, Hofman Ranch

Ms. Leslie Fritzsche, City of Sacramento

Mr. Pete Ghelfi, Sacramento Area Flood Control Agency

Mr. John Hoge, United State Army Corps of Engineers

Mr. Ken Kirby, Kirby Consulting

Mr. Ken Rood, Northwest Hydraulic Consultants

Mr. Jim Sandner, United States Army Corps of Engineers

Mr. Scott Shapiro, Three Rivers Levee Improvement
Authority

Ms. Debra Smith, California Attorney General's Office

Mr. Ken Zilis, Walker Macy

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REQUESTED ACTIONS

9. West Sacramento Levee Improvement Project, West Sacramento Area Flood Control Agency, Yolo County 137

Consider approval of a letter to the U. S. Army Corps of Engineers requesting that the Corps initiate, in coordination with WSAFCA, a joint programmatic review of possible improvements to the levees protecting the community of West Sacramento under the National Environmental Policy Act and the California Environmental Quality Act.

10. American River Watershed, Lower American River Features, Mayhew Drain Closure Structure 149

Consider approval of Resolution 08-05, which includes the following actions to approve the project:

1. Review and adoption of the findings that there is not substantial evidence that the proposed project will have a significant effect on the environment
2. Adoption of the Mitigated Negative Declaration
3. Approval of the Mitigation Monitoring Plan
4. Approval of the American River Watershed Lower American River Features Mayhew Drain Closure Structure Project

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1 PROCEEDINGS

2 PRESIDENT CARTER: Good morning, ladies and
3 gentlemen. If everybody could take their seat, we'll go
4 ahead and start the meeting of the Central Valley Flood
5 Protection Board at this time.

6 Mr. Punia, could you call the roll, please.

7 EXECUTIVE OFFICER PUNIA: Jay Punia, Executive
8 Officer, Central Valley Flood Protection Board.

9 The following members are absent today as of now:
10 Board Member Rose Marie Burroughs; Board Member Teri Rie;
11 and ex officio members, Assemblywoman Lois Wolk and
12 Senator Darrell Steinberg.

13 And Board Member Emma Suarez is here, I think --
14 she's here, so she's joining us.

15 PRESIDENT CARTER: Okay. Thank you very much.

16 And for the record, we don't expect Member
17 Burroughs to join us today. We have not heard from the
18 other members that are absent. We expect them to appear.

19 Okay. So we'll go ahead on to Item 2, Approval
20 of the Minutes for February 15th, 2008.

21 We'll entertain a motion to approve or amend.

22 What's the pleasure of the Board?

23 SECRETARY DOHERTY: I make a motion that we
24 approve the minutes as presented.

25 VICE-PRESIDENT HODGKINS: I'll second.

1 PRESIDENT CARTER: All right. We have a motion
2 and a second to approve the minutes as set out.

3 Any discussion?

4 All those in favor indicate by saying aye.

5 (Ayes.)

6 PRESIDENT CARTER: And opposed?

7 Let the record reflect the motion carried
8 unanimously.

9 Okay. Item 3, Approval of the Agenda for today.

10 Do we have any suggested changes to the agenda
11 for today?

12 BOARD MEMBER BROWN: I move approval, Mr.
13 Chairman.

14 PRESIDENT CARTER: Excuse me?

15 BOARD MEMBER BROWN: I move approval.

16 PRESIDENT CARTER: Okay. We have a motion to
17 approve.

18 Is there a second?

19 SECRETARY DOHERTY: I will second it.

20 PRESIDENT CARTER: Okay. We have a motion and a
21 second.

22 Discussion?

23 Mr. Punia, did you have some suggestions?

24 EXECUTIVE OFFICER PUNIA: Staff has some
25 recommendations before you approve the agenda.

1 Item 8A, Corporation Agreement, Three Rivers
2 Levee Improvement Authority, Feather River Repair Project,
3 Segment 2 Feather River Setback Levee, Yuba County.
4 Consider approval of a corporation agreement.

5 At the request of the applicant, we are
6 requesting to postpone this item. Applicant is asking
7 that they need to coordinate this with Yuba County a
8 little more before the Board should consider this
9 assurance agreement. So staff is recommending that we
10 postpone this for a future meeting.

11 8D, Permit No. 18321, Department of Water
12 Resources. Consider approval of Permit No. 18231 to drill
13 exploratory borings and install piezometers in project
14 levees throughout the Central Valley Flood Control system.

15 On this item, the U.S. Army Corps of Engineers is
16 reviewing the request. And they have some suggestions to
17 the Department of Water Resources, technical issues. And
18 we haven't received a letter from the U.S. Army Corps of
19 Engineers for their concurrence on this permit, so we are
20 requesting that this item be removed from the agenda. And
21 we will bring it back in a future meeting.

22 VICE-PRESIDENT HODGKINS: Can we discuss that
23 one, just briefly.

24 I mean this is a permit to let DWR go forward
25 with soil borings. And unlike a normal encroachment

1 permit, there's no long-term effect on the levees here.
2 And so this is one where I would like us to think about
3 dealing with it separately today and, in effect, giving
4 the General Manager the authority to issue this permit
5 when the Army Corps is satisfied incorporating whatever
6 conditions they want.

7 I mean DWR is not going to go out and drill holes
8 here in a way that threatens the integrity of those
9 levees. And drilling the holes is very important in terms
10 of state safety.

11 So I guess I'd like to take it off of consent and
12 see if we can work our way through it.

13 BOARD MEMBER BROWN: And I like that idea, Mr.
14 Chairman. The piezometers are a good indication of the
15 health of the levees. And the more we have in the levees,
16 generally the better. So I concur.

17 PRESIDENT CARTER: Okay.

18 EXECUTIVE OFFICER PUNIA: Okay. Moving on.

19 Item 8G, Permit No. 18175, City of Sacramento.
20 Consider approval of Permit No. 18175 to remove existing
21 bridge and construct a 60-foot-wide, 328-foot-long bridge,
22 supported by five bents with four supporting columns at
23 each bent across the Natomas East Main Drain Canal.

24 Staff hasn't received the final letter from the
25 U.S. Army Corps of Engineers on this permit. But we have

1 heard from the Corps that they have conceptually okayed
2 with this proposed project. And the Corps staff is
3 planning to be here and address the Board. So we
4 request -- the staff is requesting that we pull this item
5 from the consent and that the Board should hear it and
6 then take appropriate actions.

7 BOARD MEMBER BROWN: Okay.

8 EXECUTIVE OFFICER PUNIA: 8H, Permit No. 18213,
9 City of Lathrop. Consider approval of Permit No. 18213 to
10 install six 36-inch-diameter steel storm water pipes
11 through the levee, construct a reinforced concrete outfall
12 structure, and place rock riprap along the approximately
13 200 linear feet of the right bank of the San Joaquin
14 River.

15 The U.S. Army Corps of Engineers is still
16 reviewing this permit, and they haven't completed their
17 review. So staff is requesting -- and haven't provided
18 their comments to us. So staff is requesting that we pull
19 this item, and we will bring it back in a future Board
20 meeting.

21 Continuing with this. In Item No. 12, Kaweah
22 Project. Consider adoption of Resolution 08-06.

23 At the request of the Kaweah Delta Water
24 Conservation District -- they're working with the Board's
25 counsel, Nancy Finch -- that the Kaweah Delta Water

1 Conversation District is still resolving some issues
2 related to real estate transactions, so they have
3 requested that we postpone this item for a future Board
4 meeting. The staff is requesting to remove this item from
5 the agenda for this meeting.

6 Those are the changes being requested by the
7 staff. Thank you

8 PRESIDENT CARTER: Okay. Ladies and gentlemen,
9 we have a couple suggestions from the staff. The
10 suggested changes are -- and I'll kind of combine these
11 with Vice President Hodgkin's suggestion -- but remove
12 Item 8A from the consent calendar for a future meeting,
13 future consideration; remove Item 8D from the consent
14 calendar and hear it today as a hearing; remove Item 8G
15 from the consent calendar and hear that today as a
16 hearing; and then remove item 8H from the consent calendar
17 for future consideration at a future meeting; and,
18 finally, remove Item 12 from the agenda for today for
19 future consideration at a future meeting.

20 Are there any other suggested changes?

21 Mr. Hodgkins.

22 VICE-PRESIDENT HODGKINS: I have a question here
23 about procedural.

24 I would like to not take action on 8A but discuss
25 a policy matter that comes up because that permit was on

1 this agenda. Is it permissible to just do that even
2 though the item's pulled from the agenda?

3 PRESIDENT CARTER: Might we do that as part of
4 the Three Rivers Levee Improvement Authority monthly
5 report?

6 VICE-PRESIDENT HODGKINS: That would be okay with
7 me, I guess.

8 SECRETARY DOHERTY: So it's not removed till
9 later; it's removed for discussion?

10 VICE-PRESIDENT HODGKINS: No, it was pulled.

11 PRESIDENT CARTER: No. It would be removed for
12 future consideration.

13 VICE-PRESIDENT HODGKINS: Yeah.

14 PRESIDENT CARTER: Pull it from the consent
15 calendar and place it for a future meeting.

16 Is this policy matter specific to this permit --

17 VICE-PRESIDENT HODGKINS: Yes.

18 PRESIDENT CARTER: -- and it requires discussion
19 on the permit?

20 VICE-PRESIDENT HODGKINS: It's the question again
21 where we have these JPAs that are created to do flood
22 control. And then for the indemnification we are reaching
23 through the JPA and requiring that the parent agencies
24 also provide an indemnification. And I think what I would
25 like to do -- I mean we did not do this to SAFCA even

1 though they've been in here for a couple of permits. And
2 I would like as a matter of policy to have staff perhaps
3 with your help consider whether or not it is necessary and
4 appropriate to continue to do this, given that we now have
5 legislation that has shared the liability with the
6 planning agencies if they go ahead with approving
7 development in an area -- anyway, you know -- and also we
8 have a requirement that by 2025 you can't build a house
9 unless it's -- unless it has 200-year protection. Because
10 I think it is important for us to be consistent with all
11 of the permittees. And SAFCA is exactly the same as Three
12 Rivers. And I'm sure west Sacramento is the same as Three
13 Rivers. It's a JPA, that is created partly to put a veil
14 out to protect the City of West Sacramento or the City of
15 Sacramento, County of Sacramento from any liability here.

16 And so I just would like to have that analysis
17 come back, particularly with some perspective from the
18 Attorney General's office at the same time this permit
19 comes back unless that's a problem for the applicant.

20 PRESIDENT CARTER: I think -- if I can make a
21 suggestion in terms of trying to perhaps initiate that
22 discussion, that most of that's probably going to have to
23 happen at a future meeting.

24 VICE-PRESIDENT HODGKINS: Yes, absolutely.

25 PRESIDENT CARTER: But to initiate that

1 discussion, I think that can be handled as part of a task
2 leader report for the Three Rivers Levee Improvement
3 Authority, because it doesn't apply specifically or
4 uniquely to Three Rivers. It applies to permits in
5 general and policy. And I think you can initiate that and
6 request that staff do some work on that between now and
7 the next meeting as part of your task report for Three
8 Rivers.

9 VICE-PRESIDENT HODGKINS: Okay. But part of what
10 I have in mind -- and maybe we can still do this -- is
11 actually getting a policy document one way or the other in
12 front of the Board on this, so we pick a direction, say
13 it's going to be our policy and move forward with it.

14 LEGAL COUNSEL CAHILL: So I think what I'm
15 hearing is that if we remove this item today, because it
16 was on consent and there's no staff report -- or not a
17 significant discussion, that item then would be agendized
18 for a future meeting with some staff input.

19 VICE-PRESIDENT HODGKINS: Yeah.

20 PRESIDENT CARTER: Okay. But I think there will
21 be opportunities to kind of initiate that discussion
22 today.

23 VICE-PRESIDENT HODGKINS: Okay.

24 PRESIDENT CARTER: So let me just review again
25 changes to the agenda:

1 Approving -- or removing for future consideration
2 Items 8A and 8H and Item 12; and removing from the consent
3 calendar for hearings today Items 8D and 8G.

4 Any other suggested changes to the agenda for
5 today?

6 Mr. Brown, do you accept those amendments to
7 your --

8 BOARD MEMBER BROWN: Yes. I recall my earlier
9 motion and will make a new motion now, making the changes
10 in the agenda as you so stated. So moved.

11 PRESIDENT CARTER: Okay. Do we have a second?

12 VICE-PRESIDENT HODGKINS: I'll second.

13 PRESIDENT CARTER: Okay. A motion and a second.

14 Any further discussion?

15 All those in favor indicate by saying aye.

16 (Ayes.)

17 PRESIDENT CARTER: And opposed?

18 Let the record reflect the motion carried
19 unanimously.

20 All right.

21 SECRETARY DOHERTY: Are we supposed to have a
22 roll call vote?

23 PRESIDENT CARTER: I'm trying to -- the question
24 was: Are we supposed to have a roll call vote? We want
25 to try and keep track of membership voting. And so

1 instead of doing a roll call on each one, I'm indicating
2 on some of these simpler matters that we have a unanimous
3 consent.

4 SECRETARY DOHERTY: If it's unanimous.

5 PRESIDENT CARTER: And entering that into the
6 record.

7 SECRETARY DOHERTY: All right. Otherwise I'll
8 keep track of who says no at that point.

9 PRESIDENT CARTER: At this time we're on to Item
10 4 in our agenda, which is time for members of the public
11 to come and address the Board on items that are not on our
12 agenda for today. We invite you all to come and address
13 the Board.

14 We do ask that you please fill out these 3 by 5
15 cards so that we know to recognize you if you do want to
16 speak. And we ask that you please try and limit your
17 comments to five minutes for the Board.

18 I do not have any cards here for Item 4 today.

19 Is there any member of the public out there that
20 wishes to address the Board on unagendized items today?

21 Seeing none, we'll move on.

22 Item 5, Report of the Activities of Department of
23 Water Resources.

24 Mr. Qualley, good morning. Welcome.

25 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

1 Good morning, President Carter, members of the
2 Board.

3 I'll start off with water conditions.

4 As good as January and February were in terms of
5 precipitation increasing the snowpack, March was pretty
6 much of a bust. We see the numbers on the report here
7 that we're still at 90 percent of average to date through
8 April 1st. And the snowpack water content is about what
9 it should be at this time of year. And if you look at
10 last year, we only had about 40 percent of snowpack water
11 content last year.

12 So certainly this was a better year. But since
13 we had come into this year in a dry condition, we still
14 remain in a dry condition.

15 March. Statewide, March for our precipitation
16 was about 20 percent of average. And I recall here in the
17 City of Sacramento, I think March 30th was the first day
18 that we got any precipitation at all in the city.

19 I think I'll just move forward to Status of
20 Legislatively Mandated Activities. We're going to begin
21 reporting on this, as was requested by the Board.

22 And you're all familiar with the sequence of
23 events that took place, you know, to get us to where we
24 are, the white paper in January of '05 and the flooding in
25 Katrina, passage of the bonds in November of '06 by

1 propositions 1E and 84.

2 And really for about a two-year period Department
3 of Water Resources was working with the Legislature, with
4 local stakeholders, with a whole variety of folks on
5 various types of legislation. And in October 2007
6 Governor Schwarzenegger did sign a package of six bills
7 that provided, you know, significant changes in terms of
8 flood management:

9 SB 5 by Machado required adoption of the Central
10 Valley Flood Protection Plan by July 1st of 2012, and also
11 established flood protection requirements for local
12 land-use decisions consistent with that plan.

13 SB 17 of course you're very familiar with, which
14 required the renaming -- or reform and renaming of the
15 Board, and also required development of a State Plan of
16 Flood Control document.

17 AB 5, some clarifying of technical changes to
18 some of the other bills.

19 AB 70 addressed flood liability.

20 AB 156 changed several water code provisions
21 related to operation of the state/federal flood control
22 system.

23 And, finally, AB 162 addressed flood-related
24 matters in several elements of the general plans -
25 land-use, conservation, safety and housing elements of the

1 general plans.

2 So what we've done, we put together a
3 spreadsheet, you know, to track. These bills have various
4 timelines in them for various entities. Many of those
5 responsibilities are with the Department of Water
6 Resources. Some are with local agencies. So we put
7 together the spreadsheet that's attached to, you know,
8 today's talk. And what I was planning on doing was
9 reporting on the ones that are, you know, coming up the
10 closest at different meetings. If it's necessary to
11 report every month because of the progress activities,
12 I'll do that. If there's more of a gap between the
13 activities going on, I may not report every month. But we
14 will be keeping this spreadsheet up-to-date and keeping
15 you apprised, you know, of progress on achieving the
16 milestones.

17 For today I was going to talk about some
18 milestones that are due actually on July 1st of 2008. And
19 those are found in SB 5 and AB 156.

20 In SB 5 there's actually two portions of that
21 bill that have that July 1st date. One requires DWR to
22 develop preliminary maps for 100-year and 200-year
23 floodplains for areas provided -- protected by project
24 levees.

25 And the other section requires by July 1st to

1 give notice to cities and counties in Central Valley
2 outside areas protected by project levees regarding
3 floodplain maps and flood risks.

4 And our Floodplain Management Branch has been
5 working diligently on that -- actually they were starting
6 to work on that before the legislation was even passed.
7 And they've been pulling information from various sources.
8 We list a number of sources that they're using for the
9 data, various types of FEMA maps, information from the
10 comprehensive study, digital maps that FEMA has available.
11 And they are on track to complete these activities prior
12 to July 1st. And they will be -- plan to present this
13 information to the Board at your July meeting.

14 The other one I wanted to report on today is AB
15 156, Local Maintaining Agency Reports. This bill required
16 that on or before September 30th of each year a local
17 agency responsible for the O&M of a project levee will
18 prepare and submit to the Department a specified report of
19 information for inclusion in periodic reports that we'll
20 be making by December 31st of each year. And this is one
21 where the -- you know, the information wasn't actually due
22 on July 1st, it becomes effective on July 1st of 2008.

23 So for -- it indicates various requirements for
24 project levees, nonproject levees, and for other types of
25 private levees. For the project levees, the reports need

1 to include information that's relevant to the condition or
2 performance of the levee, information identifying known
3 conditions that might impair or compromise the level of
4 protection provided by the levee, a summary of the
5 maintenance performed by the local agency during the year,
6 a statement of work and the estimated cost for O&M of the
7 project levee for the current fiscal year, and any other
8 relevant information that could impact or be relevant to
9 the condition or performance of the levee.

10 For nonproject levees, it requires, you know,
11 pretty much the same type of information.

12 So we are preparing a report -- or we'll be
13 preparing a report which will be available for use on the
14 DWR website. We'll be hosting informational meetings
15 starting next month, May and June, through the Central
16 Valley to, you know, make sure everybody's aware of this
17 requirement. And we'll be preparing and transmitting to
18 the Board a report on the levees operated and maintained
19 by each of the local agencies.

20 And, you know, this report will be available on
21 the website. We'll be distributing this information to
22 the local agency, to any city or county within the
23 jurisdiction, and any public library to really get the
24 information broadly distributed.

25 Moving on to some of our regular features.

1 Levee Evaluations Branch. I'll just highlight a
2 couple of the things there. They're working closely with
3 RD 17, SAFCA, RD 1000, Three Rivers, LD 1 to review issues
4 concerning some of the early implementation projects.
5 This is just a matter of sharing information that they've,
6 you know, developed that'll be useful to the project
7 proponents for these projects as they move into the
8 construction phase.

9 The other thing I'll mention is they had their
10 eighth Independent Consulting Board meeting concerning
11 levee evaluations. That took place at the end of March
12 and beginning of April. I attended the first day of that.
13 And let me tell you, we have really got -- you know, we
14 talk about blue ribbon panels of this or that. But we've
15 got some incredible expertise advising our levee
16 evaluation folks on this whole -- you know, the evaluation
17 process. So it was really impressive to me to attend that
18 session.

19 The work is described in three basic areas:

20 And Sutter Basin this report has been distributed
21 to the Corps and others for QA/QC and will be
22 incorporating those comments and distributing the Phase 1
23 Geotech evaluation report to the stakeholders next month.

24 Marysville, that report has already been
25 distributed to the stakeholders and we're getting comments

1 back from them.

2 And in the central area of course we've had a
3 number of planning meetings and design workshops with the
4 Corps regarding the Natomas levees. That's been very well
5 publicized in the media, all of the things relevant to the
6 Natomas levees.

7 And I think that's the main things on levee
8 evaluations.

9 Levee repairs. Not a whole lot of change from
10 last month. There is eight sites that are going to be
11 moving forward for construction that didn't have any
12 encroachments or any issues related to getting the work
13 started. Some of the other ones there's some additional
14 technical issues that have to be dealt with. But they are
15 moving forward as quickly as they can on these.

16 They will be moving forward with the slurry wall
17 repair on a stretch of the Chowchilla Bypass. The Corps
18 will be, you know, cooperating with us on PL 84-99 for
19 that. So that's, you know, a pretty significant outcome
20 there.

21 On the Early Implementation Program. For Three
22 Rivers, you know, keeping in mind this material was
23 prepared a couple of weeks ago, the decision document had
24 been signed at the end of March. And we have executed the
25 funding agreement. It's been executed by TRLIA and by

1 Department of Water Resources by Director Snow. And it
2 went to DGS last Friday -- Department of General Services.
3 And we expect that we'll get that back from them sometime
4 next week so that we can -- you know, once DGS approves
5 it, then it will be considered fully executed.

6 For the other three EIPs, they've all submitted
7 their work plans as required to move forward. And we
8 expect the decision memorandums on those three to go
9 forward to the Director next week as well. And then we'll
10 be proceeding with funding agreements. We've already had,
11 you know, discussions with each of them on those funding
12 agreements.

13 Local Levee Evaluations Program. We posted the
14 package for the guidelines on April 16th. And you can
15 find that on the FloodSAFE website right now. We're
16 soliciting comments on those. And we'll have a workshop
17 sometime in early May. And then we want to be able to
18 move forward with actually the solicitation for grants.

19 The Local Levee Program, the funding is available
20 for -- will be available for two key activities. One is
21 to assist local flood control management agencies to
22 evaluate and perform urgently needed repairs on the
23 levees. And the other part is to assist local agencies
24 with geotechnical exploration of existing local levees.
25 And when we say local levees, these are nonproject levees.

1 They're not part of the state/federal system. In the
2 current funding cycle \$40 million will be available for
3 local levee urgent repairs and 20 million will be
4 available for local levee evaluation.

5 Our Project Development Branch, I just have one
6 item. I included a much more detailed discussion on the
7 Orestimba project. Mr. Brown had some questions on that
8 last month, and so I wanted to provide more information.
9 I did the best I could from memory at the meeting.

10 And the other thing I'll add to what's in the
11 written report here is there's some workshops that have
12 been organized by Senator -- Congressman Cordoza's office.
13 And there was one on April 15th in Newman. And it wasn't
14 a fully public workshop. It was invited members of the
15 local community and representatives of the Corps and
16 Department of Fish and Game, Department of Water
17 Resources, and Nature Conservancy. And there will be
18 additional workshops like that in -- I think they're
19 planning for June and July. And that will lead up to in
20 September the Corps is scheduled to be able to determine
21 what their national economic development plan is. And
22 currently they're proceeding with their technical work on
23 the two alternatives, the levee system alternative and the
24 upstream dry dam alternative.

25 SECRETARY DOHERTY: Mr. Qualley?

1 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

2 Yes.

3 SECRETARY DOHERTY: You mentioned something that
4 I'm curious about on the Orestimba Project. On page 12
5 you said new floodplains for projects will be ready.
6 They've just declared that these are floodplains or you're
7 going to be doing something with the floodplains? What do
8 you mean, new projects?

9 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

10 I think they're just -- okay, let me find that
11 exact --

12 SECRETARY DOHERTY: Page 12. It's in the first
13 paragraph.

14 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

15 Oh, that's technical terminology. You know,
16 they've taken hydrology information, and using the
17 hydraulic models, you know, they determine the floodplain
18 areas for their calculation. It has nothing to do with
19 FEMA floodplains or any of that. It's just part of their
20 technical process to, you know, define the flooding area.

21 SECRETARY DOHERTY: Yeah. When it said new
22 projects on the floodplains, I thought, oh, good, are we
23 going to build on some more floodplains?

24 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

25 Yeah, it's defining these floodplains for

1 evaluation on -- you know, on each of the alternatives.

2 It could have been worded better.

3 SECRETARY DOHERTY: Thanks.

4 BOARD MEMBER BROWN: I know at one time the dam
5 that was being proposed on Orestimba years ago, before Los
6 Banos Grande, had a potential yield of surplus water out
7 of the Delta of about 70,000 acre-feet long-term average.
8 There was that kind of yield still available at that time
9 through the Delta. That probably, no doubt, has changed.
10 But there's also a native water around 10,000 acre-feet.
11 So collectively a 260,000 acre-foot reservoir in that
12 canyon up there would produce an annual average yield of
13 about 70 or 80,000 acre-feet of water.

14 In your flood control studies, particularly in
15 Orestimba, are you considering maybe making that a
16 multiple purpose project up there?

17 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

18 As I mentioned in my comments last month, you
19 know, when the Corps gets involved with the projects like
20 this, they're -- you know, they're a single-purpose flood
21 control agency. So from the inception of the Corps's
22 involvement, the focus has always been to provide flood
23 risk reduction. And to pursue water supply would require
24 a fundamental reformulation of the whole project and you'd
25 have different partners participating. And I haven't

1 heard the local entities pushing for that. I'm sure
2 they -- you know, there's many representatives there that
3 would love to see something that would provide more than
4 one purpose. But this particular, you know, study
5 process, planning process is moving along on a
6 single-purpose front. And they basically have to pull
7 this back and start with a new process, which would, you
8 know, take a lot longer to move forward.

9 BOARD MEMBER BROWN: There's a lot of work that's
10 been done on that already. You may want to look into
11 that, the way the state needs new supplies of water today.

12 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

13 And in the study you're talking about, there was
14 sufficient unappropriated water to --

15 BOARD MEMBER BROWN: Yes, there's unappropriated
16 water on the Delta. In fact, the appropriations had been
17 made by the Wolf's Land and Cattle Company, who owned all
18 of that property at that time up Orestimba Creek.

19 And the yield that could best be determined then,
20 long-term average yield, was about 70,000 acre-feet; plus
21 the native water in the canyon itself, an additional 10.
22 So that makes a substantial yield for an area they
23 certainly could use more water.

24 I don't know what the yield out of the Delta
25 might be today with all of the additional restrictions

1 that's been placed on the Delta. But it's hard to build a
2 project today without having multiple purposes benefits
3 associated with it. And if you get flood control and
4 water yield and soil stabilization and conservation
5 practices out there, then collectively you may have a
6 project.

7 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

8 Yeah. And I apologize for not following up on
9 that after you raised the question last month. And I will
10 look into, you know, some of the historical background on
11 that.

12 Did you have a particular citation on that study
13 that would -- I mean I can find it, but --

14 BOARD MEMBER BROWN: Was it -- it was done
15 privately by the Wolf's Land and Cattle Company. And I
16 think Boyle Engineering did the study on it. And I would
17 guess that was probably back around in the '82, '83,
18 '84 -- 1984 area.

19 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

20 Okay. And I'm sure the Stanislaus County Public
21 Works folks would have the background on that. So I --

22 BOARD MEMBER BROWN: I don't think they -- they
23 probably do not. I know Dave Kennedy was made aware of
24 that project at the time. And he decided to go on to Los
25 Banos Grande.

1 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

2 I will find the information and report back next
3 month.

4 Any other questions or comments on --

5 BOARD MEMBER BROWN: The other came in that I
6 mentioned to you, Silver Creek. I think that's the one
7 that historically every three or four years or thereabouts
8 floods out the City of Mendota. Is that right, Gary?
9 Wasn't it Silver Creek that I think goes in to Mendota?
10 And I know that the Jones family down there has been
11 trying to do something with the soil stabilization and
12 retention basins and dams for a number of years. And
13 maybe the time's come to take another look at Silver
14 Creek.

15 And then of course you have Arroyo Pasajero,
16 which dumps, I don't know, a half a million yards of silt
17 there just west of the canal and sometimes into the
18 California Aqueduct.

19 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

20 Well, that one the Department is very much
21 involved in. In fact, I worked on that myself over 30
22 years ago. So that's a really long-term project.

23 BOARD MEMBER BROWN: Well, maybe the time's the
24 getting ripe for all those.

25 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

1 Well, there is actually progress being made on
2 Arroyo Pasajero. I haven't kept myself up to date
3 exactly, but I know they had gotten to the point of a
4 project that would help alleviate the problems of sediment
5 coming into the aqueduct. And it's a big problem.

6 BOARD MEMBER BROWN: I know Jay and Gary Hester
7 are working on that, at least giving it some thought of
8 proaction to see if there's something more that we can do
9 to help in those areas. So you may get a chance to have a
10 discussion with those gentlemen on it.

11 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:
12 Sure. I will do that.

13 PRESIDENT CARTER: Mr. Hodgkins.

14 VICE-PRESIDENT HODGKINS: Mr. Qualley, as I read
15 the legislation, I sort of came to the conclusion that the
16 Legislature had as part of their strategy writing into
17 legislation various reports and the notice to people who
18 live behind the levee to make it clear to people exactly
19 what their flood risk is, to get that information up so
20 that any individual could figure out what kind of flood
21 risk they face.

22 And I'm curious in both the initial mapping --
23 will DWR -- are any of the levee evaluations far enough
24 along to where they might lead you to believe that a
25 particular levee is not safe even though perhaps now it is

1 mapped as providing adequate protection? And if so, will
2 that get included in these reports? And then I guess I
3 would ask the same question about the update of the maps
4 where we have created now provisionally accredited levees,
5 levees which I guess are accredited but not certified. I
6 don't remember the terminology. Is that all going to get
7 put into these reports where -- DWR is supposed to take
8 the report from the local agency and incorporate, as I
9 read it, that kind of information into it, and then that's
10 supposed to be -- is that what you're doing?

11 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

12 I'm not sure if all that will be in the initial
13 notifications. You know, I'm not working so closely with
14 that to know all the details. I believe that this
15 notification that's due by July 1st, just because of the
16 timing and the amount of work required, will be pretty
17 much based on this existing information of those five
18 areas that were cited in the report, where they're, you
19 know, really related to water surface elevation and, you
20 know, the FEMA information and previous modeling efforts.
21 But this is going to be a -- it's a recurring thing that
22 we need to, you know, provide the best available
23 information to -- you know, to the people in the valley.

24 So as other types of information, whether it's
25 from the levee evaluations or anything else, comes

1 available, we have an obligation to provide that to the
2 people.

3 This initial thing though I think is pretty much
4 going to be based on this existing information, if that's
5 available, regarding water surface.

6 VICE-PRESIDENT HODGKINS: But eventually you see
7 that information being incorporated into those reports in
8 the future?

9 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

10 I would believe so. I'm going to verify that
11 with -- if that's a really good topic of discussion for me
12 to have with the staff that's working on that. But it
13 makes sense to me. I think that's our obligation, is to,
14 you know, provide the full breadth of information that we
15 have available. That's the whole point, is to make people
16 aware of what their risk is.

17 And actually one of the other interesting parts,
18 and we've had discussions on this in the past, what's the
19 best way to convey the risk? I mean, you know, we
20 engineers can talk about numbers and probabilities and all
21 that. But we need to find a number of ways to convey the
22 risk because, you know, different people have different
23 perspectives. And so we need to consider that when we're
24 doing our risk notifications and any type of public
25 communication.

1 VICE-PRESIDENT HODGKINS: I understand the
2 difficulty.

3 Then I guess the other thing -- two other things.
4 There's nothing in here about the status of the
5 feasibility study on the San Joaquin. Now as I -- where
6 is that? I mean --

7 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

8 The Corps has almost completed with the project
9 management plan on that. And we've been -- we've had a
10 number of meetings with the local representatives and with
11 the Corps. And we're -- you know, everybody's anxious
12 to -- you know, because the Project Management Plan
13 basically defines the scope of the study. And then from
14 that the local partners can decide, you know, how they
15 want to participate in the study. You know, they need to
16 make determinations of how much of the cost share they
17 want to be involved in. It probably will be more than one
18 entity on the San Joaquin side that participates.

19 So kind of you're coming to grips with the
20 Project Management Plan, what all, you know, do we want to
21 study both in terms of potential measures and alternatives
22 and just the geographic scope, where we pretty well got
23 that together. And the goal is to complete that PMP
24 within the next few weeks and be able to execute the
25 appropriate agreements.

1 VICE-PRESIDENT HODGKINS: Okay. We had a San
2 Joaquin Subcommittee. And I'm not going to speak for the
3 other subcommittee members. But I would love the
4 opportunity to be involved in some of the meetings as you
5 start to scope out with the local stakeholders where
6 they're going.

7 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:
8 Okay. And we'd be happy to do that.

9 VICE-PRESIDENT HODGKINS: Okay. And then last of
10 all I'd just like to compliment you. This is I thought a
11 very good summary of where we are and what's going on.
12 And I really appreciate somebody putting the effort into
13 putting this together. If it was you, it's a good job.

14 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:
15 Are you talking about on legislation or just --

16 VICE-PRESIDENT HODGKINS: The whole status of
17 activities of the Department of Water Resources. That's a
18 much, much more informative document than we've been
19 getting in the past and I really appreciate that.

20 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:
21 Well, thank you very much. And it's an effort by
22 virtually every part of the division. They really pull
23 together to provide the information. And I will pass that
24 on to the staff. I appreciate the comment.

25 BOARD MEMBER BROWN: I really concur with Mr.

1 Hodgkins also.

2 By the way, the name just came to me on the
3 project manager, if it might help you, was I think Dave
4 Hardan H-a-r-d-a-n with Boyle Engineering in Bakersfield,
5 on the Orestimba Project. I don't have the number.

6 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

7 Thank you. I'll follow up.

8 BOARD MEMBER SUAREZ: Mr. President?

9 PRESIDENT CARTER: Mr. Suarez?

10 BOARD MEMBER SUAREZ: Yes. Again, I too want to
11 join in thanking you for the work, especially the
12 legislative report. It was something that we had talked
13 about since the beginning of the year. This is very
14 helpful.

15 And I would like to request from Mr. Punia if he
16 could have staff look at the material. There are items
17 outlined here that the legislation requires for DWR to
18 come to this Board for review and approve before they're
19 finalized. And I would like staff to identify those and
20 capture them here so we could have a complete picture.
21 For example, the building codes changes. That is one
22 thing that has to come to this Board before it's finalized
23 and heads out to the Building Commission. I want to
24 mention that the Board doesn't need its own dead -- you
25 know, the legislative deadlines.

1 But I want to thank you so much for your work.

2 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

3 Thank you.

4 SECRETARY DOHERTY: Ms. Suarez, you want Mr.

5 Punia to do what?

6 BOARD MEMBER SUAREZ: Go ahead.

7 EXECUTIVE OFFICER PUNIA: I think Board Member

8 Suarez needs -- that which item needs the Board approval.

9 So we identify and track those so that we are coordinating
10 with DWR before bringing to the Board, and there's
11 sufficient time by the time DWR prepares that that the
12 Board can react and approve those items.

13 BOARD MEMBER SUAREZ: So, for example, this chart
14 that we have here, I would like for you to go through it
15 and identify the items that need to come to us and by what
16 deadline, so we can keep it all one track, in one
17 document. That would be very helpful.

18 EXECUTIVE OFFICER PUNIA: We'll do that.

19 BOARD MEMBER SUAREZ: Thank you.

20 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

21 Thank you.

22 PRESIDENT CARTER: Any other questions for Mr.

23 Qualley?

24 Excellent. Thank you very much.

25 We're, surprisingly enough, running a little bit

1 ahead of schedule in spite of our late start. So we are
2 going to move to Item No. 16, Report of the Activities of
3 the Executive Officer, to fill in some time before we move
4 on to Item 6.

5 So, Mr. Punia.

6 EXECUTIVE OFFICER PUNIA: Good morning, President
7 Ben Carter and Board members. Jay Punia, Executive
8 Officer, Central Valley Flood Protection Board.

9 Today I want to bring a few items, issues which
10 we are working on. And then there's a general information
11 item I would like to share with you, ten or so.

12 As you are aware, that based upon the new
13 legislation, we have to bring all the permits due to
14 evidentiary hearings to the Board for its consideration.
15 And I just want to let you know that it's pretty taxing
16 and difficult for the Board staff to bring each and every
17 permit to the Board for its consideration.

18 For a historic perspective, before the new
19 legislation was passed we were -- we used to bring it less
20 than 5 percent of the permits for Board's consideration,
21 and rest of the permits were approved by the staff. But
22 based upon this new legislation, we have to bring all the
23 permits for evidentiary hearings. And it's definitely
24 added additional workload and it definitely increased the
25 year package also substantially. And the only solution

1 for this based upon our discussion with our legal counsel
2 and with the staff is that we have to propose a new
3 legislation in which they will direct the staff that we
4 will establish a criteria which permit needs to come to
5 the Board and that the rest of the permits can be handled
6 by the staff.

7 So staff is working with Department of Water
8 Resources and the resources agencies to add language in AB
9 1360 -- senate bill 1360. So it will take some time, but
10 ultimately we'll resolve this issue. But it's an issue at
11 hand at this time.

12 PRESIDENT CARTER: Mr. Punia?

13 EXECUTIVE OFFICER PUNIA: Yes.

14 PRESIDENT CARTER: I had a discussion earlier in
15 the week with Member Rie. And she has some ideas in terms
16 of how other public agencies handle situations like this
17 that may relieve some of the workload of staff in terms of
18 some of the burden in preparing full staff reports for
19 every single permit. And I asked her to talk to both you
20 and Ginny on this to find out both if it's workable for
21 the staff as well as legal or fits within the mandates of
22 the law.

23 So that is another option that we ought to
24 explore in addition to trying to amend the language of the
25 legislation in the SB 1360.

1 I regret that she's not here. But she will get
2 with you off line and discuss maybe another option.

3 EXECUTIVE OFFICER PUNIA: Thank you. We'll be
4 glad to discuss with Board Member Teri Rie. Any help we
5 can get, that's appreciated.

6 The second item I want to bring to the Board's
7 attention is that the U.S. Army Corps of Engineers has
8 revised their policy on reviewing the permits under their
9 Section 208-10. Previously those permits were reviewed by
10 the Operations Section; that is, I think you are familiar
11 with Mr. Jim Sandner and Ms. Meegan Nagy's group. But
12 since Katrina they're trying to analyze these permits in
13 more detail. That's the good news, that they're involving
14 their geotechnical staff, John Hess's group, and the
15 hydraulics people to review the permits. But the
16 consequences is that it's taking much longer at the Corps
17 to get their comments back so that we can issue the
18 permit. So, consequently, it's taking much longer to get
19 the permits out.

20 And so we at our level are working with the U.S.
21 Army Corps of Engineers so that they can expedite this
22 review and so that we can still issue permits to the
23 applicants without delaying their project.

24 But the bottom line is that the Corps needs more
25 resources in that area and additional funding to expedite

1 that review under Section 208.10.

2 The third item. As you may be already aware,
3 that the Floodway Protection Section of the Department of
4 Water Resources staff is helping us to review the permit
5 applications and develop the permits for the chief
6 engineer's review before we can issue the permits. And
7 there are several vacancies in that section, the Floodway
8 Protection Section. We had a total staff of eight. And
9 at this time there are four vacancies.

10 So the good news is that our staff is working
11 with the DWR staff and trying to recruit and fill the
12 vacancies. Gary Hester is working very closely with Eric
13 Koch, the Chief of the Flood Project Office, so that we
14 can fill these vacancies. And they have finished the
15 interviews for the section chief. And then they have to
16 continue this process so that we can fill these vacancies
17 as soon as possible. And it's impacting our process of
18 issuing the permits.

19 PRESIDENT CARTER: Mr. Punia?

20 EXECUTIVE OFFICER PUNIA: Yes.

21 PRESIDENT CARTER: If I can just add a comment
22 there.

23 For Mr. Qualley and DWR, I can't overstate the
24 importance of this group and the business of the Board.
25 And we ask that you proceed with as much alacrity as you

1 can muster to fill those seats and take care of that
2 group, because we are -- we're floundering at this point
3 in term of -- floundering in paperwork and permits.

4 DWR DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

5 Yeah, we agree 100 percent with everything you
6 just said. And we're trying to do everything we can to
7 get those positions filled. They're just -- the process
8 takes time. But I agree a hundred percent on the
9 importance of that. We're doing everything we can.

10 PRESIDENT CARTER: Okay. And hopefully in the
11 future we jump on these issues a little earlier and start
12 the process as soon as we have issues.

13 So appreciate your help on that.

14 EXECUTIVE OFFICER PUNIA: And in the meantime,
15 the Board staff is working very closely with the Floodway
16 Protection Section. Eric, Dan, and Gary Hester is doing
17 the best they can to keep these processes going.

18 Okay. Now, I want to shift to just general
19 information items so that the Board is aware.

20 U.S. Army Corps of engineers Headquarters has
21 issued a letter recently delegating authority to the
22 Division -- the South Pacific Division to process the 408
23 requests for the Feather River Setback Levee Segment 2
24 Project.

25 But along with that delegation there are still a

1 lot of additional requirements that needs to be fulfilled
2 before their division can issue the approval on the
3 project alteration under Section 408. So we will be
4 working with the Three Rivers Levee Improvement Authority
5 to go over the requirements so that we can provide all the
6 information to the Division so that we can get the
7 authorization from the Division.

8 As you may recall, we have requested to the
9 headquarters to delegate this authority to the District or
10 the Division. And we are glad to see that the Corps has
11 responded and delegated this authority to the Division to
12 issue this 408 approval to the state.

13 And our contract with the Peters Shorthand,
14 Department of General Services has approved our contract,
15 and I'm glad that we will be able to pay our transcription
16 services.

17 Our I want to commend our support staff, Lorraine
18 and Geoff, to keep this process going. And it's a major
19 undertaking to get the Department of General Services'
20 approval -- to get the approval on this contract.

21 And Department of Water Resources invited me to
22 participate in the selection of the Chief of Flood Project
23 Office. And I will be working with George on the
24 selection process.

25 On May 2nd, the Assistant Secretary of the Army,

1 Mr. Woodley, is coming to Sacramento. And the U.S. Army
2 Corps of engineers has invited Board to participate and
3 meet Mr. Woodley. I have talked to the Corps and
4 indicated that Board President and Vice President would
5 like to meet Mr. Woodley also. So three are possible will
6 be meeting Mr. Woodley on May 2nd.

7 And our budget change proposals were approved by
8 the Department of Finance and the Governor's office, and
9 they've been sent to the Legislature. And hopefully they
10 will be included in the final budget. And we are glad
11 that at least they are approved by the Governor's office
12 and the Department of Finance.

13 And I want to express my appreciation for the
14 Department's support in this area. Dave Gutierrez, who's
15 here, and his staff -- Budget staff helped us quite a bit
16 to get this thing through the process.

17 BOARD MEMBER BROWN: When do you anticipate, Jay,
18 that will be completed?

19 EXECUTIVE OFFICER PUNIA: Well, estimate of the
20 budget is approved. So the funding will come starting
21 July 1st, 2008. So we are getting five positions in the
22 General Fund and five positions through the proposition
23 funding. So once we get the additional staff, obviously
24 you will see the change and much improved process.

25 BOARD MEMBER BROWN: That's great. That's been a

1 long, hard road for you. And we recognize and appreciate
2 your effort.

3 EXECUTIVE OFFICER PUNIA: Thank you.

4 As you may recall, the U.S. Army Corps of
5 Engineers has put the Stockton area on notice due to the
6 deficiencies on the Bear Creek and Calaveras River. We
7 worked with the local community and the U.S. Army Corps of
8 Engineer's and we have developed an action plan to address
9 these deficiencies by December 31st, 2008. We have asked
10 the U.S. Army Corps of Engineers to grant us extension.
11 The original deadline was the end of March. Obviously we
12 were not able to meet -- clear those deficiencies, so we
13 are seeking an extension. And if the Corps doesn't grant
14 the extension, then this area can be mapped by the FEMA
15 into the floodplains, and the local community has to
16 purchase the flood insurance. So that there's a huge
17 consequence if we don't get the extension from the U.S.
18 Army Corps of Engineers.

19 Department of Water Resources has invited
20 Reclamation Board staff in the selection of the consultant
21 team to work on the development of the new plan of flood
22 control. So Dan Fua, our staff person, is working with
23 the DWR in this selection process.

24 And now that the BCP has been approved, we have
25 started our negotiations with the Department of Water

1 Resources to initiate our long-term memorandum of
2 understanding. Board President Ben Carter and
3 Vice-President Butch Hodgkins are involved, so we will be
4 continuing this process so that we can develop our
5 long-term memorandum of understanding with the Department
6 of Water Resources.

7 Department of Water Resources staff and myself
8 met with the General McMahon, the Commander of the South
9 Pacific Division. He invited us to participate in a
10 meeting so that -- how the Corps can help and facilitate
11 early implementation project. So Department in
12 coordination with the Board staff developed 20 points,
13 which we presented to the General, that how the Corps can
14 help us to keep these projects moving.

15 Some time back the Department -- the Board asked,
16 and staff has developed a flow chart showing our permit
17 process. And we are planning to put this flow chart on
18 our website so the applicants can see what the process is
19 and how much time that each action in this process takes.
20 Our plan is -- it's a first draft -- that we will present
21 it to the Board. Once the Board is comfortable, then we
22 will put it on our website. So that's the goal.

23 PRESIDENT CARTER: Your timing on that?

24 EXECUTIVE OFFICER PUNIA: I think by next meeting
25 we will be able to include it in the Board's package so

1 that the Board can review it. And once it's approved by
2 the Board, then we'll put it on our website.

3 And Board also asked to develop a tool to track
4 the permits. We are working on developing a tracking
5 tool. We have initial draft of it where we can track
6 where the pending permits are. And that also I'm hopeful
7 that by next Board meeting we can at least present you
8 that where we are. And ultimately the goal is to put that
9 information also on the web so the applicants see where
10 their -- what's the status of their permit.

11 Information item. I think Ms. Hofman has
12 contacted the -- her attorney has contacted the
13 Department, the Board. And she's willing to dedicate the
14 easements along the Western Pacific Interceptor Canal
15 50-foot easement. That easement was required under the
16 Three Rivers Levee Improvement project that we should have
17 the 50-foot easement on both sides of the Western Pacific
18 Interceptor Canal. So Ms. Hofman has indicated that she
19 will dedicate this easement to the Sacramento/San Joaquin
20 Drainage District. So we appreciate her generosity.

21 I think those are the main items I wanted to
22 share with you. If you have any questions, I'll be glad
23 to answer.

24 PRESIDENT CARTER: Any questions for Mr. Punia?

25 Thank you very much.

1 EXECUTIVE OFFICER PUNIA: Thank you.

2 PRESIDENT CARTER: All right. We'll move on to
3 Item 6, FloodSAFE Strategic Plan. I see that Mr.
4 Gutierrez has joined us.

5 Good morning and welcome.

6 (Thereupon an overhead presentation was
7 Presented as follows.)

8 DWR ACTING DEPUTY DIRECTOR GUTIERREZ: Thank you.

9 Okay. Members of the Board, first of all I'd
10 like to thank you for giving us the opportunity to discuss
11 our FloodSAFE Strategic Plan with you again. My name's
12 Dave Gutierrez. I'm the Acting Deputy Director of DWR in
13 Public Safety.

14 I'd like to introduce to you Ken Kirby. Ken is
15 our consultant. He's a member of our executive team that
16 has been putting together the strategic plan, among other
17 things, over the past several months. And Ken will be
18 helping with the presentation today.

19 First of all I'd kind of like to take a few steps
20 back and let you guys know what we've been trying to
21 accomplish.

22 As many of you know, we've been kind of going on
23 a two-pronged approach; and the two-pronged approach being
24 the fact that over the last couple of years we've been
25 focusing much of our time and our resources on some of the

1 immediate needs, some projects such as erosion repairs of
2 some of our levees. We've had a chance to start some of
3 the evaluations that are going to be necessary for the
4 Central Valley Flood Protection Plan, which we're going to
5 talk a little bit about today, as well as early
6 implementation projects that I know you all are familiar
7 with. These are projects that we consider no regrets that
8 are going to fit into the overall plan no matter what the
9 plan is in the future.

10 But we've always known that we have to do more of
11 a strategic approach to what we're trying to accomplish.
12 And so what we've been trying to do is during this
13 two-pronged approach switch our focus and switch our focus
14 more towards the strategic approach. And so what we'd
15 like to do today is introduce that strategic -- the
16 FloodSAFE Strategic Plan to you today. It's a statewide
17 effort. And the Board is a critical member of what we're
18 trying to accomplish here, especially when we deal with
19 the Central Valley Flood Protection Plan. So as you know,
20 the plan needs to be approved by you. And what we want to
21 do is make sure we're communicating effectively to the
22 Board and staff members of the Central Valley Flood
23 Protection Board so that we accomplish our objectives as
24 efficiently as we possibly can.

25 --o0o--

1 DWR ACTING DEPUTY DIRECTOR GUTIERREZ: So what
2 I'd like to indicate to you today is the fact that we are
3 introducing the plan. At this point the plan is in draft
4 form. And it's purposely left in draft form. You're
5 going to notice that the plan is probably 80 or 90 percent
6 complete. There's actually portions of the plan that are
7 just placeholders right now. And what we want to do is
8 eventually start getting feedback from the Board on the
9 plan itself. We want your input to help us develop and
10 finish off the plan.

11 And what we're trying to accomplish today is just
12 the introduction. We're not at this point looking for
13 comments on the particular strategic plan itself. But
14 instead what we'd like to do is we'd like to focus on what
15 is the best way we can communicate with the Board and the
16 staff of the Board so that we can make sure that the
17 Board's completely aware of what we're trying to
18 accomplish with the Central Valley Flood Protection Plan
19 as well as any other components that the Board will be a
20 part of.

21 And so that's what we're really asking for you
22 today. So if we could have a communication between us
23 today, talk about what's the best way to communicate in
24 the future. And then our plan would be to come back and
25 then start digesting the strategic plan with you. We can

1 then focus more specifically on some of the components.

2 So with that, what I'd like to do is I'm going to
3 turn it over to Ken, who's going to -- we have a
4 PowerPoint presentation for you to introduce it. And
5 we'll kind of just go from there.

6 So with that, Ken. I'll ask Ken to come up.

7 MR. KIRBY: Well, thank you, Dave. And good
8 morning.

9 I'm going to go through a very quick overview of
10 the strategic plan to introduce to you the elements that
11 we have in the plan. And then after that, if you'd like
12 to discuss elements, I'd be glad to do that.

13 --oOo--

14 MR. KIRBY: First I'd like to say that FloodSAFE
15 California is a program that we've developed within the
16 Department as a multi-faceted program to improve public
17 safety through integrated flood management.

18 The program is developed with four major
19 emphases. It's a statewide program. And we're focusing
20 on four different large groups of actions:

21 Improving emergency response.

22 Improving flood management systems, which is
23 where a big portion of the work that we're doing resides.

24 We're improving operation and maintenance; and
25 informing and assisting the public.

1 All of the activities and projects that we're
2 developing as part of FloodSAFE fit into one of these four
3 categories.

4 FloodSAFE is primarily funded by propositions 1E
5 and 84. There is a big focus, as you know, on the
6 state-federal system in the Central Valley and Delta.

7 And we're expecting this effort to be about the
8 ten-year effort for what's laid out in the strategic plan
9 and the funds that we have available right now.

10 --o0o--

11 BOARD MEMBER BROWN: Do have a prevention in
12 those goals? This is operation and maintenance and -- but
13 what about prevention?

14 MR. KIRBY: I'm not sure what you mean by
15 prevention. Can you --

16 BOARD MEMBER BROWN: Well, the construction of
17 facilities, like we're talking in Orestimba and such.

18 MR. KIRBY: Yes. The improved flood management
19 systems, as I said, that's the major portion of the
20 effort. And that involves structural, nonstructural
21 options, all of the types of things that you would I think
22 put in prevention.

23 BOARD MEMBER BROWN: That's in one of those? So
24 I missed it.

25 MR. KIRBY: The green one on the right-hand side,

1 improve flood management systems. It's the primary focus
2 of the funding.

3 BOARD MEMBER BROWN: Okay.

4 --o0o--

5 MR. KIRBY: Now, the purpose of the strategic
6 plan, why did we develop the strategic plan or why are we
7 developing a strategic plan. We hope to capture a shared
8 vision for success. As you know, the flood management
9 needs statewide are tremendously complicated. There are
10 many, many stakeholders involved. And there's a great
11 need to invest a lot of money. We're hoping to enroll
12 broad participation through the development of this plan
13 so that we can rally our partners to help us take some
14 very big steps in improving flood management and public
15 safety throughout the state.

16 We hope that this document, this strategic plan,
17 will serve as a cornerstone to focus the massive efforts
18 that need to be done over the next ten years. As many of
19 you know, I'm sure, that when you embark on a very large
20 complicated program, it's very easy to get lost in the
21 details. And we want to have a document that helps focus
22 people back on the big picture and what it is that we're
23 trying to accomplish.

24 --o0o--

25 MR. KIRBY: We've developed a vision for

1 FloodSAFE, which is a fairly comprehensive vision. And if
2 you don't mind, I'd like to read it to you.

3 "A sustainable integrated flood management and
4 emergency response system throughout California that
5 improves public safety, protects and enhances
6 environmental and cultural resources, and supports
7 economic growth over the next 50 years."

8 So, again, the vision is the intent to help
9 people keep their eye on the long-term view: What is it
10 that we're doing when we start a number of these projects
11 and what are we hoping to accomplish?

12 --o0o--

13 MR. KIRBY: Now, integrated flood management is a
14 term -- well, integration is a theme throughout this
15 entire document in our discussion, and I wanted to speak a
16 little bit to what that means to us. Integrated flood
17 management recognizes integration on a number of fronts.
18 First, that there's an interconnection between flood
19 management actions within the broader water resources
20 management arena. What we do to manage flood flows has
21 a -- can have a very direct impact on water quality, the
22 environment, water supply, and other things.

23 We also recognize the value of coordinating
24 across geographic and agency boundaries. As Mr. Punia
25 already indicated, we're working closely with the Corps

1 response, because we want to underscore that no matter
2 what we do to prevent floods or to provide protection,
3 there will always be a flood that will happen somewhere.
4 We can never eliminate the possibility of flooding, so we
5 need to be prepared for that and be able to mount a quick
6 and effective response.

7 We recognize that in order to fund these types of
8 activities we must be able to sustain economic growth.
9 That is a central part of the California Water Plan. It's
10 a part of the mission of DWR. And we believe it's very
11 relevant in the flood management perspective.

12 We have a goal to protect and enhance ecosystems.
13 As all of you know, when we're dealing with rivers and
14 floodplains there is a lot of direct connection with
15 environmental resources, and we want to do everything we
16 can to enhance and protect those.

17 And we want to promote sustainability. All of
18 the investments that we make over the next ten years to
19 move towards this broad vision of integrated flood
20 management will require us to continue to maintain it in
21 the future. And we want to build our system and modify
22 our system, improve our system to the extent possible to
23 make it easier to maintain in the future.

24 --o0o--

25 MR. KIRBY: Now, our goals, as you can see,

1 they're fairly broad sweeping goals. And they're the
2 kinds of things that are never done. Improving public
3 safety is never done. So we wanted to develop some very
4 specific objectives, things that we can measure on a
5 certain timeframe to see if we're being successful. All
6 of these foundational objectives are set up to accomplish
7 the goals, to help us contribute accomplishing the goals.

8 So the ones that are laid out in the document --
9 in the draft document -- and I'm not going to go through
10 all of them here, I'll give you some examples -- they're
11 very specific targets to produce lasting outcomes from the
12 program activities and investments that we're making. For
13 example, one of our foundational objectives is to provide
14 200-year level or greater protection -- flood protection
15 to all urban areas in the Sacramento/San Joaquin Valley by
16 December 31st, 2025.

17 We also have a foundational goal to establish an
18 interagency mitigation banking program that provides
19 lasting environmental benefits by January 1st, 2012. And
20 this is related to much of the activities that will need
21 to be done as part of FloodSAFE.

22 Another example is that we'd like to delineate
23 expected floodplains for 100- and 200-year flood flows for
24 all urban communities in the Sacramento/San Joaquin Valley
25 by January 1, 2012.

1 Now, there are several more foundational
2 objectives in the draft document, but I wanted to share
3 with you some examples.

4 --o0o--

5 BOARD MEMBER SUAREZ: Mr. President, I have a
6 quick question.

7 When you speak about foundational objectives, are
8 you talking about the items that are legislatively
9 mandated either by the bonds or by the new legislation?
10 Some of these things it seems that you don't have a choice
11 but to complete by certain dates certain because of the
12 bond monies and that. Right?

13 MR. KIRBY: All of our foundational objectives
14 that we put in the plan are consistent from our view of
15 what's in the legislation. You're correct, some of the
16 dates are legislated. As you know, even though the
17 legislation is quite comprehensive, there's still a lot of
18 details that were left to the Department to figure out.
19 And so we fleshed out our interpretation of what we
20 believe the legislation to be directing us to do. So this
21 is a little -- it goes further than what the legislation
22 does. But we believe it's very consistent with our recent
23 legislation.

24 I hope that's not me.

25 PRESIDENT CARTER: Somebody got a cell phone?

1 MR. KIRBY: It might be me. I apologize.

2 --o0o--

3 MR. KIRBY: Okay. Now, when you look at the
4 vision that we've laid out in FloodSAFE and you look at
5 the foundational objectives, they're quite lofty. And
6 there's no way that DWR can accomplish this vision or the
7 objectives without close cooperation from a number of
8 partners. So as part of our vision, as part of this
9 strategic plan we're acknowledging that DWR is providing
10 leadership to respond to the state law that you were just
11 asking about, but we will work closely with a number of
12 partners. Now, as part of the strategic plan development,
13 we're inviting each partner to describe and fulfill roles
14 in the strategic plan.

15 Here's a list of the partners that we've
16 identified to date. And as you can see, the Central
17 Valley Flood Protection Board, the U.S. Army Corps of
18 Engineers are two of the -- we expect to be a very
19 frequent interaction in terms of developing and
20 implementing this FloodSAFE vision.

21 We have a number of other state and local
22 agencies -- state and federal agencies listed here, as
23 well as expecting to work closely with a number of local
24 agencies and local partners, tribal governments, and other
25 interests such as NGOs.

1 --o0o--

2 MR. KIRBY: Now, this morning I'd like to talk
3 about -- as I mentioned, we are identifying in the
4 strategic plan a list of key roles from our partners. So
5 we've taken the liberty to draft what we understand your
6 roles might be in participating in FloodSAFE with us. And
7 I'd like to go through that with you, recognizing that
8 it's a draft, and we'd really like to get your feedback to
9 see if we've captured how you see yourself participating
10 with us in this vision.

11 So I'd like to go through the Central Valley
12 Flood Protection Board authorities as we've described them
13 in the plan and then several of the key roles.

14 We see that you as the Board cooperate with the
15 Corps in building and operating the State Plan of Flood
16 Control facilities, including levees; that you approve or
17 deny plans for reclamation or flood protection involving
18 excavation near rivers in the Sacramento/San Joaquin
19 Drainage District; provide oversight of flood management
20 facility operation and maintenance; develop and administer
21 floodways; acquire property necessary for flood
22 management; and regulate encroachments on the flood
23 management system. These are key authorities that we
24 believe are relevant to the FloodSAFE program.

25 --o0o--

1 MR. KIRBY: Now, and some of the key roles that
2 we're expecting that you will likely perform, and we're
3 hoping that you'll endorse that in fact you will perform
4 these or modify as needed:

5 Establish and enforce standards for maintenance
6 and operation of flood management works along the
7 Sacramento River, the San Joaquin River, their tributaries
8 and related areas.

9 Approve and adopt a schedule for mapping areas at
10 risk of flooding in the Sacramento River and San Joaquin
11 River drainage by December 31, 2008, and annually
12 thereafter. And that one is a legislated requirements.

13 Approve and adopt a newly developed Central
14 Valley Flood Protection Plan by July 1, 2012, which the
15 Department is responsible to deliver to you a plan by
16 January 1, 2012.

17 --o0o--

18 MR. KIRBY: To collaborate with state and federal
19 agencies regarding multi-objective flood management
20 strategies that incorporate agricultural conservation,
21 ecosystem protection and restoration, or recreational
22 components.

23 Help establish a system of mitigation banking by
24 which mitigation credits may be acquired in advance for
25 flood control work to be performed related to the State

1 Plan of Flood Control.

2 Adopt a status report prepared by DWR for the
3 State plan of flood control.

4 --oOo--

5 MR. KIRBY: Participate in developing and
6 implementing federal flood protection projects in the
7 Central Valley with local agencies.

8 Review and comment on local flood emergency
9 management plans and updates to general plans based on the
10 Central Valley Flood Protection Plan.

11 So these are some of the key roles that we see
12 you playing as part of the implementation of FloodSAFE.
13 And I'd be happy to talk with you about that either at the
14 end of this presentation, or if you'd like to do it now.
15 It's up to you.

16 Would you like me to continue and come back to
17 this, or do you want to talk about it now?

18 BOARD MEMBER BROWN: No. But I really like what
19 you presented so far. I think your approach on this and
20 particularly this multi-benefit program that you've
21 assigned us to work with you is -- I was really hoping
22 would be in there.

23 MR. KIRBY: Good.

24 Okay. Anything else?

25 PRESIDENT CARTER: Ms. Suarez.

1 BOARD MEMBER SUAREZ: I have a quick question,
2 yes.

3 When you outlined the roles and the authorities,
4 are you including the new authorities that the Board
5 acquired the beginning of the year, or are these just the
6 traditional authorities that you are used to us doing in
7 partnership in partnership with you?

8 MR. KIRBY: The way it's described in here is I
9 did not attempt -- or I should say we did not attempt,
10 because there are many people that contributed to the
11 material in this plan, we did not attempt to describe all
12 of your authorities or all of your roles. We're defining
13 the ones that are key -- that we see key to the success of
14 FloodSAFE. So it does have a mix of your traditional
15 roles and authority and some of your newly appointed
16 authorities and roles. But it is not a comprehensive
17 list.

18 PRESIDENT CARTER: Any other questions?

19 BOARD MEMBER BROWN: No. I just suggest staff to
20 take a hard look at our key role right up there that's on
21 the screen right now and make sure we follow through with
22 that and then help these folks out.

23 PRESIDENT CARTER: Okay. Mr. Kirby, go ahead and
24 proceed, please.

25 MR. KIRBY: Thank you.

1 --o0o--

2 MR. KIRBY: Now, available state funds are a key
3 piece of our ability to engage in FloodSAFE. The bond
4 sections do restrict spending. There's quite a bit of
5 guidance given by the Legislature and the voters as to how
6 we spend this money. And we have been pouring through
7 those documents to make sure that we understand what was
8 intended and what's allowed.

9 I want to make this point, and you'll hear it
10 from us often, that the needed actions to improve
11 integrated flood management statewide far exceeds our
12 available state funding. So we certainly are committed to
13 leveraging our state funds with federal and local funds.
14 And I think it's very likely that we will need additional
15 state funds in the future to continue to implement this
16 vision.

17 Now, because we don't have sufficient funds to do
18 all of the things that could and need to be done to
19 improve flood management throughout the state, we have to
20 make some very difficult decisions in prioritizing
21 spending. And our strategic plan is starting to address
22 that.

23 --o0o--

24 MR. KIRBY: The bond funds are distributed. This
25 is a very simple view, but it gives you a sense of the

6 There are \$680 million dedicated for use outside
7 the Central Valley, primarily through subventions. There
8 are a few other things that can be done.

13 Now, I will also point out that Prop 84 provided
14 a lot of money for use in regional improvements -
15 integrated regional water management planning, integrated
16 regional water management implementation. And those funds
17 because of the way the Department set up that program also
18 allow and, in fact, encourage integrated flood management
19 at the regional level. So those funds, it's over a
20 billion dollars of Prop 84 money that was set aside for
21 those regional projects, can be used to improve flood
22 management.

24 MR. KIRBY: Now, because this is such a large and
25 complicated program, we're looking for ways in our

1 strategic plan to help us talk about it in effective ways.
2 So we've divided location as one of the key items when
3 we're discussing our opportunities, our available funding,
4 and our requirements. So, as I mentioned, this is a
5 statewide program, but there is a very big distinction
6 between the Central Valley and outside the Central Valley.

7 Within the Central Valley there's a distinction
8 in some cases between the Delta and the Central Valley
9 Flood Protection System. And when I use the term "Central
10 Valley Flood Protection System," I mean all actions,
11 structures, facilities throughout the entire
12 SanJoaquin/Sacramento Valleys that are used to manage
13 floods, not just the state/federal system.

14 Within the Central Valley Flood Protection System
15 and within the Delta there is the state/federal system,
16 which you're very familiar with, and other facilities as
17 well.

18 Now, we've been wrestling with the terminology
19 that was given to that state/federal system. As you know,
20 the state/federal system has this very mysterious name
21 called the State Plan of Flood Control, which refers to a
22 set of facilities. In talking with our average
23 stakeholder, that's a very confusing term. It leaves them
24 to believe that we're talking about something statewide as
25 opposed to that which exists only in the Central Valley.

1 So we're looking to do a substitution in terms of how we
2 talk about it and calling it the State Flood System in the
3 Central Valley. And you'll see that -- if you look
4 through the document, you'll see that we're introducing
5 this term to try and be more clear and more specific with
6 our stakeholders as we talk about this.

7 --o0o--

8 MR. KIRBY: Now, another important piece of the
9 strategic plan and another way of looking at funding and
10 policy-type choices is the Legislature gave us some
11 definitions to work with related to land use:

12 Urban areas are defined as more than 10,000
13 people in a development. And a development is a specific
14 legislated term based on federal code.

15 Urbanizing community is one where we expect more
16 than 10,000 people in a development within ten years.
17 However, I'll point out, there's no start date. So we're
18 looking at it as anything by 2025 that's likely to have
19 10,000 needs urban protection in the Central Valley.

20 Rural areas or essentially non-urban. Those
21 areas with diffuse population and often primarily used for
22 agriculture.

23 And then we've added a category as we look at
24 this called system-wide and environmental from a land-use
25 perspective. We want to continue to engage in a broad

1 perspective that considers the explicit linkages between
2 the first three categories and environmental health.

3 --o0o--

4 MR. KIRBY: Now, we've also laid out in the
5 strategic document some implementation strategies. This
6 is not an implementation plan. That's to follow, and I'll
7 talk about that more. But we have laid out a broad
8 framework by which we can engage in our implementation:

9 One, as I've already mentioned but it's very key
10 to the success of this program, is the support
11 collaborative participation.

12 We also, as is consistent with the California
13 Water Plan, promoting a strong regional focus.

14 We have a number of proposed actions that we will
15 make and that we will need to take:

16 And as Dave Gutierrez already mentioned, we're
17 making improvements as soon as possible. Whenever we're
18 ready to make investments on non-regrets projects, we're
19 taking action now.

20 We also recognize a need to do further analysis
21 of a system from a broad perspective. So we've already
22 engaged -- as Mr. Punia mentioned, we're in the process of
23 selecting a support team to prepare the Central Valley
24 Flood Protection Plan, which will be a very extensive
25 systems analysis of the Central Valley.

1 We also need to plan future improvements
2 throughout the state. As I mentioned, much of the money
3 that's currently available under the propositions is for
4 use in the Central Valley. But there are great needs
5 outside the Central Valley as well that we need to deal
6 with, and we are committed to identifying what those are
7 so that we can guide future investment decisions.

8 We fully intend to provide an investment strategy
9 for the available funds that we have as part of the
10 strategic planning document. I'll just note, if you've
11 looked for it, there's a placeholder in the document right
12 now and we didn't -- we haven't filled it in. We're
13 getting very close to having that worked out. I would say
14 within the next few weeks we should be able to have
15 something that can be reviewed.

16 We also are laying out a cost-sharing approach.
17 I haven't mentioned it to date, but I think many of you
18 know the state is in a very unusual and unprecedented
19 position to have much more money available to work on
20 these types of large projects than the federal government
21 has allotted to the U.S. Army Corps of Engineers. So
22 we're finding ourselves in a very unusual situation of
23 funding projects well in advance of federal dollars. And
24 we are thinking carefully and discussing broadly how we
25 can do that in a responsible manner.

1 --o0o--

2 MR. KIRBY: Now, I want to speak to planning
3 activities. I know that you're very interested in the
4 Central Valley Flood Protection Plan. I want to put it in
5 context with a number of planning activities that were
6 underway.

7 As I mentioned, of the four major activities that
8 I talked about early on, one of them is to improve flood
9 management systems. Well, one of the steps to improve
10 flood management systems, which I'll talk about in a
11 little bit, is to plan improvements. So we have a number
12 of planning efforts underway.

13 The first one is the FloodSAFE strategic Plan.
14 That's what I'm introducing to you today. The simplest
15 way to think about that is we're laying out what to
16 accomplish as part of FloodSAFE.

17 The next one that will follow on is the FloodSAFE
18 Implementation Plan. And that plan will address how to
19 accomplish the things that we said we're going to
20 accomplish in the strategic plan. I'll mention, and some
21 of you may be familiar, that the Department is embarked on
22 organizing to deliver FloodSAFE through a project-centered
23 organization. We are working very carefully to define
24 discrete projects with discrete outcomes, with clear
25 scopes, with clear budgets, clear timelines, and clear

1 resources. As we develop project management plans for
2 each of the projects, which will also be described in the
3 strategic plan, that will become our Program
4 Implementation Plan.

5 We are looking at the statewide needs, statewide
6 strategic policy document. And we've made the decision to
7 incorporate that as part of the California Water Plan,
8 which already has a well functioning structure and
9 stakeholder interaction process. So we're adding in a
10 much more rigorous way statewide flood management planning
11 as a part of that document.

12 Now, I'll also point out that Prop 84 requires us
13 to develop what's called an economically viable flood
14 control rehabilitation plan. We're interpreting that as
15 our charge to identify existing flood risk throughout the
16 state, to identify need and opportunity, to estimate the
17 cost to meet those needs and opportunities, and to come up
18 with a financing strategy to make the needed future
19 improvements and to continue to maintain those into the
20 future.

21 Now, one of our biggest efforts, I think probably
22 the most challenging planning activity that we're going to
23 embark on in the next ten years as part of FloodSAFE, is
24 the Central Valley Flood Protection Plan. And we're
25 interpreting this, and the legislation is quite clear,

1 that this is to be a system-wide plan for improving
2 integrated flood management in the entire Central Valley,
3 excluding the Tulare Lake Basin.

4 We are planning to embark on this planning effort
5 within the next several weeks. We expect that in the
6 mid-May we'll be taking our FloodSAFE Strategic Plan out
7 to do public workshops. And while we're in the Central
8 Valley we'll also be introducing our ideas about how we're
9 going to create the Central Valley Flood Protection Plan.
10 And I'll be glad to talk with you more about our ideas at
11 this point.

12 We also have Integrated Regional Water Management
13 Plans. And those are regional plans with state
14 assistance. This is a program that's already been
15 underway within the Department. As I mentioned before, it
16 already allows for and encourages the integration of flood
17 management as part of regional planning. Historically
18 most of the money that's been made available from the
19 state is focused more on water supply and water quality.
20 We now have some funds that we can contribute towards this
21 effort to enhance and bolster the flood management
22 component of those plans.

23 And, finally, there are going to be, and already
24 are, a number of project feasibility studies that are
25 underway in cooperation with the federal government with

1 the U.S. Army Corps or Engineers, that are doing detailed
2 project studies to get to construction.

3 --o0o--

4 MR. KIRBY: Now, one way to think about all of
5 the activities that are going on in the Central Valley is
6 that we're investing to reduce risk. We're looking at
7 opportunities, we're taking actions that can improve
8 public safety, reduce the risk of damages related to
9 floods. So we put together a graphic that can help
10 describe a number, as I said, of the multi-faceted actions
11 that are underway. And each of these investments in these
12 small steps start to bring down risk for the individual
13 that is facing it.

14 Now, I want to point out that that last line on
15 the bottom axis is called residual risk. And I can't
16 overemphasize this enough: No matter what investments we
17 make, there will always be residual risk of flooding. And
18 some alternatives are more robust and lower the residual
19 risk more than others. And we're being very mindful to
20 see if we can avoid situations where our residual risk is
21 unacceptably large.

22 --o0o--

23 MR. KIRBY: I also want to point out, even while
24 we're reducing risk, we recognize that between now and,
25 say, 2025 the total societal risk of damages is likely

1 going to be higher no matter what we do. But the question
2 is: How much higher? Well, we're talking about trying to
3 keep it from growing too fast. As economic growth occurs,
4 as population growth occurs, there will by definition be
5 more risk if they're living in the floodplain.

6 --o0o--

7 MR. KIRBY: Another point that we're making in
8 the document is that this again is a very multi-faceted
9 and complicated program, so there will be many different
10 activities occurring simultaneously. We're not able
11 because of the different state of system to start from one
12 place, step through methodically, and end up in one place
13 in all of our activities.

14 What this diagram is meant to show again are
15 those four major groups of activities across the top:
16 Improve flood management systems, improve emergency
17 response systems, improve flood management system
18 maintenance, and inform and assist the public. Each of
19 those have cycles of activity that are ongoing. And
20 depending on the situation, we may be in all of those
21 different boxes that are shown in the cycle at the same
22 time, depending on what the situation is.

23 For instance, some of the areas -- if you look
24 under "Improve Flood Management Systems" in that first
25 circle, the one to the left is "Implement." In some

1 others, like the early implementation projects that you've
2 already been discussing, we're implementing -- we're
3 giving money to locals, awarding money to locals so they
4 can start bidding projects in other areas. We're still
5 assessing existing conditions. We don't know for certain
6 whether we'll be doing all those things at the same time
7 as is appropriate.

8 --o0o--

9 MR. KIRBY: Our next steps are to continue
10 refining the draft strategic plan, including the
11 investment strategy that I mentioned and including the
12 cost-sharing approach. We're getting very close to having
13 those done and ready for public discussion.

14 We do plan to conduct public workshops throughout
15 the state to discuss the strategic plan starting probably
16 in the second week of May. And while we're in the Central
17 Valley, we plan to discuss our Central Valley Flood
18 Protection planning process.

19 And we are beginning work already on developing a
20 Program Implementation Plan through the development of
21 project management plans.

22 --o0o--

23 MR. KIRBY: At this time, I'd be happy to
24 entertain questions and see if I can clarify anything that
25 I didn't make clear.

1 PRESIDENT CARTER: Mr. Hodgkins.

2 VICE-PRESIDENT HODGKINS: Well, David's preamble
3 here was not to try and comment specifically on the plan.
4 And so part of what we need to discuss is how do we do
5 that in the long term.

6 But one of the things that I didn't see in here,
7 and I need a little bit of an update as you think about
8 the strategic plan initially, out of the three and a half
9 million that was available in the Central Valley, there
10 was -- DWR was saying that a billion of that -- three and
11 a half billion -- a billion is committed to the Delta.
12 Now, is that still the case?

13 MR. KIRBY: Well, I don't -- I'm not familiar
14 with what you're speaking to in terms of the commitment.
15 If you're speaking to what was in the Governor's bond
16 expenditure plan, what the commitment was that we would
17 spend at least one billion of that three and a half
18 billion available in the Central Valley and the Delta on
19 urban improvements, some of which could be in the Delta.
20 We've also committed at least 500 million of that
21 investment in the Delta, which could also include urban
22 improvements. There was also a commitment I believe for a
23 minimum of 300 million to help with non-urban
24 improvements.

25 VICE-PRESIDENT HODGKINS: So I think from my

1 standpoint sitting up here, it's very hard for me to
2 understand what's going to go on in the Delta. Okay? I
3 know that those levees are in very poor shape in the event
4 of an earthquake, that that's a concern from a water
5 supply standpoint and health of the Delta standpoint. And
6 I'm wondering if there's any way to give anybody an idea
7 in the strategic plan about what you think those
8 commitments might be.

9 MR. KIRBY: Well, I can tell you that our
10 approach right now is to defer the investment decisions on
11 the large scale to the Delta Vision process. So what
12 we're saying is that we're doing non-regret projects in
13 the Delta right now where we know we're making
14 improvements that likely will not be stranded no matter
15 what happens in the Delta Vision process. But that we
16 will reserve the bulk of the funding -- other than urban
17 improvements that meet the early implementation criteria,
18 we'll reserve the funding to be directed according to the
19 outcome of the Delta Vision process.

20 VICE-PRESIDENT HODGKINS: And that might be in
21 the investment strategy when it comes out?

22 MR. KIRBY: Yes, it is.

23 VICE-PRESIDENT HODGKINS: Very good. That will
24 be helpful.

25 PRESIDENT CARTER: Ms. Suarez.

1 BOARD MEMBER SUAREZ: I was wondering if you
2 could look back at your Slide No. 20, where you outlined
3 the planning activities.

4 MR. KIRBY: Yes.

5 BOARD MEMBER SUAREZ: Could you roughly give me a
6 timetable of what we're looking at here? Not detailed.
7 But are we looking five years, two years?

8 MR. KIRBY: Yes. The FloodSAFE Strategic Plan,
9 as I mentioned, we hope to go to public workshops in
10 mid-May. So I would like to have a final strategic plan
11 adopted by the beginning of the next fiscal year in July.

12 Our FloodSAFE Implementation Plan likely will be
13 complete by -- well, certainly by the end of this calendar
14 year, by the end of December, and hopefully sooner.

15 The California Water Plan is on a legislated
16 cycle in terms of producing updates. The next one is due
17 in 2009. So the public draft will be out in 2008. And
18 we're currently engaged on the statewide flood management
19 planning component of that. You'll see, if you look at
20 it, that we've added quite a bit.

21 BOARD MEMBER BROWN: Is this Bulletin 160?

22 MR. KIRBY: Yes, Bulletin 160, that's correct.

23 The Central Valley Flood Protection Plan, we owe
24 you an interim product in 2010, and we have to deliver to
25 you a final recommended plan January 1, 2012.

1 The Integrated Regional Water Management Plans
2 are already underway. And we are hoping to introduce
3 guidelines for a new grant program that looks at all of
4 the integration of flood management and all the other
5 integrated water management objectives probably by the
6 third to fourth quarter of this calendar year.

7 And those Integrated Regional Water Management
8 Plans are developed by the regional entities themselves.
9 So some of them already have adopted plans, some of them
10 are beginning. So that cycle will continue.

11 And project feasibility studies, a number of them
12 are underway. The Department is currently engaged with a
13 number of these with the federal government and other
14 local partners. And we are beginning a grants program and
15 directed expenditure program to allow us to accelerate
16 that. But these will continue to happen throughout the
17 next ten years.

18 BOARD MEMBER SUAREZ: So if I can follow up on
19 the framework or itinerary that you just set out.

20 We look -- you're starting from now to as far out
21 as 2012 we're going to be engaged -- the Department's
22 going to be engaged in a strategic planning regarding
23 flood control and flood safety in the area.

24 And I was wondering, knowing that, if you could
25 help us address a question that we increasingly keep

1 getting from members of the public, people commenting on
2 particular projects. And here's what we've been hearing
3 as of lately. There's a lot of planning that's going to
4 occur that is going to look at the system from a
5 system-wide perspective, and that we as a board should
6 slow down and in many case stop making decisions until
7 this planning process is completed. And that in many ways
8 is an appealing way of thinking. Sure, we should wait if
9 we're planning to conclude. But I was wondering if -- but
10 at the same time it doesn't make a lot of sense, because
11 we want to take care of projects that we can right now and
12 provide the safety that we can right now.

13 So I was wondering if you could help us kind of
14 think through that question since it keeps coming up.

15 MR. KIRBY: Yes, it's a very relevant, timely
16 question. And I'll just say I'm glad that it's you
17 sitting up there and not me.

18 But the reality is we don't have enough money to
19 do all of the improvements that we need to make. So we're
20 left to make some very tough choices.

21 And here's where it come down from the
22 Department's perspective. We absolutely are committed to
23 doing the system-wide analysis. But no matter what we
24 find in the system-wide analysis of the Central Valley
25 Flood Protection Plan, we know that we have major

1 metropolitan and urban areas currently within the Central
2 Valley that are in danger of being under more than 20 feet
3 depths of water if a flood should occur. And no one can
4 convince us that it doesn't make sense to go ahead and
5 make those improvements if we're ready to make them now.

6 So, yes, we understand the concern of going ahead
7 of a system-wide analysis. But when we know that we have
8 great segments of our population at great risk, we have to
9 do everything we can to protect them if we have the
10 opportunity to do so.

11 BOARD MEMBER SUAREZ: Thank you.

12 PRESIDENT CARTER: Any other questions?

13 VICE-PRESIDENT HODGKINS: Can we talk a little
14 bit about how we provide you input?

15 MR. KIRBY: Yes, please. That would be great.

16 VICE-PRESIDENT HODGKINS: As I think about what
17 I've heard -- first of all, I would love to get a copy of
18 Slide 21 that's readable. I cannot read it up there and I
19 can't read it when you produce four to a page. So --

20 MR. KIRBY: Okay, yes.

21 VICE-PRESIDENT HODGKINS: Remember, some of us
22 are old.

23 (Laughter.)

24 VICE-PRESIDENT HODGKINS: Our vision is failing.

25 You know, as I think about what you said, it

1 seems to me that, you know, there may be a couple of areas
2 where the Board at least would like to get in a
3 discussion. Okay? One is in sort of the vision mission
4 part of this. Okay? And I don't think we're on a
5 different page. But it seems to me what we're trying to
6 do here is, while we are doing a strategic plan that's
7 going to guide us over the next ten years or to 2025, take
8 your choice, we intend to do that in a way that we
9 accomplish what -- we set a foundation for future efforts
10 as society decides it needs more protection, if it does,
11 than what we have now. And some of the issues I don't
12 think we'll be able to technically address, the climate
13 change issue. It's going to be something to some extent
14 that I think has to be booted down the road so we can see
15 what actually happens and try and -- okay. So there's
16 those.

17 Then there's the Central Valley Flood Protection
18 Board's authorities and key roles. I think we might want
19 to have an opportunity to discuss those with you. And
20 then there are some specific goals in the plan, some
21 detailed goals that we'd like to go through. So would it
22 make sense for us to have our staff go through and look at
23 these perhaps with a subcommittee of the Board and produce
24 a set of comments that could then come back perhaps at the
25 next Board meeting, although that's -- I don't know what

1 else is on staff's table -- where we would have an
2 opportunity at the Board to kind of go through them in
3 that way? Does that make any sense to you at all, or the
4 rest of the Board?

5 MR. KIRBY: Well, from my perspective, I think
6 that seems like a very reasonable approach. And we can
7 certainly accommodate that schedule.

8 PRESIDENT CARTER: Okay.

9 SECRETARY DOHERTY: Ken, I have a question.
10 Actually, in reality, the plan that you're
11 drawing up is already being implemented even though you
12 haven't reached a final conclusion, isn't that correct?

13 MR. KIRBY: Well, certainly parts of it are
14 underway. But there's still many, many decisions to be
15 made. And we want to make sure that we have a clear
16 understanding among our partners that we're going to
17 continue to work together even more closely than we have
18 in the past. And that's the part that I think is very
19 important that we still need to work through.

20 The financing strategy, which is not in the
21 document that you have now, I think will also be something
22 people will want to weigh in on. It addresses one of the
23 questions that you mentioned, how much of the money that
24 we currently have available do we spend ahead of
25 completing a system-wide analysis in the Central Valley?

1 So some of those things have not been decided.
2 We've tried to frame this so that it's a very workable
3 foundation in terms of the strategic document. But
4 there's still -- we expect to have significant discussion
5 and the ability to modify it as we need to collectively.

6 SECRETARY DOHERTY: So even though when the plan
7 is completed, you will continue to modify it?

8 MR. KIRBY: I do see it as a living document.
9 Although my hope is that once we have pretty broad
10 acceptance of what we're trying to accomplish, that that
11 wouldn't change much over the next several years. I
12 think -- I see it potentially changing significantly. If
13 we were to have another large influx of state funds, then
14 I think we'd need to revisit it. But I'm hoping that once
15 we adopt it by the middle of this year, that it stands for
16 a number of years.

17 BOARD MEMBER BROWN: Mr. Chairman?

18 PRESIDENT CARTER: Mr. Brown.

19 BOARD MEMBER BROWN: Ken, a concern I have is
20 that we spend a lot of time and energies on conveyance out
21 through the Delta. And that's necessary. But I also have
22 the strong belief, having worked in flood control for a
23 good number of years, that major prevention as opposed to
24 conveyance is the place to start. And many of these
25 communities on the east and west side of the valley, San

1 Joaquin Valley particularly, but Sacramento too, is that
2 there's opportunities for control of the drainage in the
3 foothills themselves with soil stabilization practices,
4 range management, retention basins, detention basins, and
5 soil conservation practices.

6 I would hope that you would run an opportunity
7 analysis of these smaller watersheds, as we've discussed,
8 Silver Creek and Arroyo Pasajero, and Orestimba and a good
9 number more. But also on the east side of the valley,
10 from the Kaweah and St. Johns on north. There's some
11 opportunities and needs in those small communities.

12 So I would hope that your study would incorporate
13 the prevention of flooding as opposed to dealing with it
14 through conveyance, or in addition to.

15 MR. KIRBY: Yes. And I can assure you that that
16 is part of our strategy. We are intending to cover the
17 entire Sacramento/San Joaquin watershed to invite
18 participation by all communities to identify
19 opportunities.

20 A large degree of our funding that was made
21 available in this round of bonds is dedicated to the
22 state/federal facility, which is on the valley floor and
23 the Delta. But we do have some capability to make
24 improvements outside of that system as well. And we're
25 looking for all of those, as well as identifying

1 opportunities to do those even if we need additional
2 funding.

3 BOARD MEMBER BROWN: Okay. That multi-benefits I
4 think is part of the key on producing projects today.

5 MR. KIRBY: Yes.

6 VICE-PRESIDENT HODGKINS: I might note that as
7 part of the Integrated Regional Water Management Plans,
8 IRWMPs, there seems to be an effort to try and get some of
9 the IRWMPs on the valley floor to reach out and figure out
10 what would make sense from, and I'll call it, a watershed
11 improvement/soil conservation standpoint in terms of
12 integrating those into regional water management plans.
13 It's not an easy task to do, because most of the IRWMPs
14 are being done by folks that are very focused on water
15 supply. But there is an effort. And I think this is very
16 consistent with that effort. Actually making it happen is
17 the challenge.

18 MR. KIRBY: Yes. And I'm involved in that effort
19 as well. I have been involved in the development of
20 Integrated Regional Water Management Program for a number
21 of years. And as I mentioned, we are going to use some of
22 our available flood planning money to try and enhance and
23 expand the participation for folks in that planning
24 process beyond the more traditional water supply approach.
25 So the Department is working on strategies to do just

1 that.

2 VICE-PRESIDENT HODGKINS: Yeah.

3 PRESIDENT CARTER: Any other questions, comments?

4 I think, Butch, your suggestion regarding staff
5 going through with a subcommittee of the Board on specific
6 elements that apply to the Board, the plan is a good one.

7 Do we have any Board members that are interested
8 in participating in that?

9 VICE-PRESIDENT HODGKINS: Well, I am of course.

10 But maybe, John, would you be --

11 BOARD MEMBER BROWN: I --

12 VICE-PRESIDENT HODGKINS: We both live in
13 Sacramento. It enables us to work together and not drive
14 Ben away from the ranch.

15 BOARD MEMBER BROWN: I would appreciate that, Mr.
16 Chairman.

17 PRESIDENT CARTER: As long as you all --

18 VICE-PRESIDENT HODGKINS: -- keep you posted.

19 PRESIDENT CARTER: -- keep the rural communities
20 in mind.

21 (Laughter.)

22 PRESIDENT CARTER: Okay. Very good.

23 So, Jay, if you can pull together a meeting or
24 some sort of a plan to review this and get the three or
25 four or five of you together. And then bring Dave and Ken

1 in when you've got something substantial. Bring something
2 back to the Board the next meeting preferably and then --
3 we'll do that.

4 Dave, do you have anything you want to add or you
5 need any additional feedback?

6 DWR ACTING DEPUTY DIRECTOR GUTIERREZ: No, I
7 think that's exactly what we were after today. So I
8 think -- and the direction is perfectly in line with what
9 I think we'd need to accomplish. So what we'll probably
10 end up doing is taking this document piece by piece. And
11 we'd probably start off with maybe the vision, the goals
12 and the role of the Board. And we'll start that
13 discussion amongst the committee. Then we'd bring it back
14 to the Board with a conclusion. Hopefully get that behind
15 us. Then move on to the next piece. And we'll just take
16 it piece by piece. We have several months we'll be
17 working on this document, not only with the Board but
18 other members of the public as well as organizations. And
19 hope to finish this off and get a document that we could
20 all be actually a partner of.

21 So it's in perfect line with what we're trying to
22 accomplish.

23 PRESIDENT CARTER: I think the Board's very
24 anxious to participate and help where we can. And thank
25 you for the invitation.

1 DWR ACTING DEPUTY DIRECTOR GUTIERREZ: Great.

2 PRESIDENT CARTER: All right. If there's nothing
3 else on Item 6, what we'll do at this point is we will
4 take an approximately 12 to 15 minute recess. We'll
5 reconvene back here at 10:45 and continue with Item 7.

6 (Thereupon a recess was taken.)

7 PRESIDENT CARTER: Ladies and gentlemen, if I
8 could ask you to take your seats, we'll go ahead and
9 continue with our meeting, please.

10 We are on Item No. 7 on our agenda for today,
11 Three Rivers Levee Improvement Authority Monthly Report.

12 Mr. Brunner.

13 Good morning, welcome.

14 MR. BRUNNER: Good morning, President Carter,
15 members of the Board. This is our monthly update for the
16 Board. And I'll refer you to our monthly report that we
17 gave you in your packet. We also added one other item for
18 you that I saw that wasn't included, which was just the
19 report of the development in the area that was handed out
20 prior to the meeting.

21 As I go through the report today, I'm going to
22 ask Scott to come up at the end -- Scott Shapiro -- to
23 address item 8A, which is the cooperative agreement
24 discussion. At least entertain some discussion during
25 that time. That was an item that came up during the

1 agenda-setting portion of the meeting.

2 During our last meeting that we had we did go
3 through a discussion, and Member Hodgkins did ask us to go
4 through specifically and try to streamline, clean up or
5 get specific direction on each one of our items. So we
6 did try to do that. Depending upon the will of the Board,
7 I'll go in some detail or no detail on some items with
8 that.

9 I'm going to start today's discussion on funding.
10 And I think George Qualley from DWR gave a good recap, at
11 least a high level, as to where we are. We have made
12 really good progress on the State Funding Agreement.
13 We're now at the point where it's over at DGS, and
14 hopefully it does get signed next week. I'm still hopeful
15 it still gets signed this week. But next week get signed.
16 That will really trigger a bunch of different things for
17 us. Because once it is signed -- I know DWR has been very
18 cooperative working with us to be able to start issuing
19 checks for the advance payments of money to flow into our
20 project. That will allow us hopefully then to put money
21 directly into escrow for land purchases, allow our
22 contractor to start the work and start the construction,
23 particularly on the setback, and also to allow us to go
24 forward on construction on the construction work itself.

25 Since the last time we did meet, there were some

1 changes that happened in our funding program. We did go
2 through -- at the last meeting we were talking about
3 having our development community still part of our funding
4 plan. And the agreements, we had the second funding
5 agreement that we're working through.

6 Right after that meeting, we did have a series of
7 discussions through the Board of Supervisors and the TRLIA
8 Board and to review what was coming back from the
9 development community. And we had certain members of
10 them, two that directly -- two out of the nine that
11 directly said they would not participate or could not
12 participate and two that needed more time. That did not
13 leave us with sufficient funding to make the local share
14 that was identified for them for the local -- for the EIP
15 project. And I think we had somewhere around 13 of the
16 \$30 million directly identified.

17 That caused quite a bit of reaction internally in
18 Yuba County. And the end result was that we ended up
19 getting I think a, particularly in this economic time
20 today and where we are, a more sound financial plan. That
21 came together with YCWA and also Yuba County directly
22 coming forward to participate and coming up with a
23 strategy of acquiring funding through their COPs and
24 bonding, and securing that with their local funding to do
25 that.

1 So they represent now -- we have a local meet of
2 around 53 million. They represented approximately \$46
3 million that they committed to the project. A local land
4 owner came forward and was willing to contribute around
5 5.4. And RD 784 through their own collections of monies
6 that were directly related to the setback and pumping
7 projects that we had was able to come in at \$1.4 million
8 of new money to our project, which added up to the 53.

9 We have submitted that new financial plan to the
10 state for the EIP project, and they have accepted that.
11 You heard this morning about the decision document and the
12 financial and our agreement being signed by Lester Snow.
13 So that's all greatly appreciated, and we're ready to move
14 forward now on our project.

15 You'll see in their an update. I made a bullet
16 in here that, not for this particular meeting but in the
17 subsequent meeting perhaps in May, I asked Scott Shapiro
18 to work with counsel from The Rec Board to go through the
19 second implementation agreement, see what we need to work
20 through there. That's our commitment with working with
21 you all and the Flood Control Board here -- Flood
22 Protection Board as to how we proceed into the future.

23 There's probably some things we need to tweak and
24 work through. I know that TRLIA has sent out a message to
25 the development community about the flood insurance and

1 about maintaining the information flow to all new
2 purchasers of homes and that that would continue to do.
3 So we anticipate that would still continue to work as
4 before.

5 With that, let me go to the levee construction
6 and work. And on several of these items -- this is still
7 on the first page -- I'm just going to note on them and
8 not try to describe them in details because they've been
9 here before. But this is an effort to meet the need that
10 came up about coming up with a closing on each item.

11 The CalTrans yard -- or the detention basin that
12 was there, we're going to consider that particular action
13 from TRLIA's point of view for this report to be
14 completed. We submitted the documentation. I talked to
15 Jay about that. And they're working into their schedules
16 to get the work done and the encroachment permit issued.

17 TRLIA has actually turned over the 11 miles that
18 were certified, including this facility here too, RD 784,
19 to continue to maintain. It's captured in our O&M
20 maintenance plan. So I think we -- from our perspective,
21 we think we've done what we need to do. And so we'll just
22 leave it with your staff to issue their permit whenever
23 they want to -- you know, feel that they need to or how
24 they're going to deal with it.

25 PRESIDENT CARTER: So is staff in concurrence or

1 are you reviewing that conclusion to determine concurrence
2 or not?

3 EXECUTIVE OFFICER PUNIA: Yes, we agree. We have
4 the information. And due to the workload, we were not
5 able to issue the permit. But I think absent that, we
6 have the time, we will issue them the permit.

7 SECRETARY DOHERTY: I also have a question.

8 And the Reclamation District 784 has the ability
9 and the capabilities to maintain this 11 miles?

10 MR. BRUNNER: We are -- I'm going to say yes,
11 particularly in the lines of TRLIA's support. I mean we
12 do -- you just heard briefings on urban standards and that
13 from the strategic plan. A combination of what RD 784 has
14 on their assessment district that they already have in
15 place for funding, along with monies that TRLIA will have
16 in our budget to go forward is to maintain that -- the
17 local maintenance for the levee system.

18 SECRETARY DOHERTY: But they would not be able to
19 without your support?

20 MR. BRUNNER: Our forecast would be they would
21 not be able to. We plan to do an assessment district in
22 the area. We have not yet gone forward to have the ballot
23 for that or to form the assessment district. But in the
24 coming year we plan to go out and do an assessment
25 district. That would bring them full amounts up to do

1 urban standard maintenance.

2 If there's no other questions on that, I'll move
3 on.

4 On the second page, there are several items here
5 that are dealing with the Western Pacific Interceptor
6 Canal, items 2 and 3. On these items, my updates really
7 infer or state that we're going to be moving these really
8 into an O&M manner of approach and remove them from our
9 reports.

10 We do have a closure on each one. The first one
11 dealt with the culvert. We're going to go ahead and work
12 with the -- continue to work with the landowner on that
13 for this.

14 We were pleased to hear during the report today,
15 and I've heard a little bit from the staff before, your
16 staff, on Ms. Hofman's property and the 50-foot easement
17 on both sides, of dedicating the area. That will work for
18 us to at least to gain that easement.

19 We're still considering and we're -- TRLIA will
20 still make the offer to Ms. Hofman to purchase the
21 property on it. They may or may not accept. But we think
22 that there's rationale to go forward to make the offer.
23 If the levee is built on top of Ms. Hofman's property, so
24 we have an easement on it today. But the additional 50
25 feet will help. We're concerned a little bit about the

1 cows still going up. And the cows did cause damage on the
2 levees.

3 SECRETARY DOHERTY: How much damage?

4 MR. BRUNNER: There's -- I've asked RD 784 and
5 contractor to come up with an estimate for that. It's not
6 in the hundreds. It's probably in the thousands of
7 dollars to repair the levee, to go in and regrade or
8 whatever they need to do with the cow work that was -- the
9 hooves and the damage that was done on the vegetation on
10 the levees.

11 So our intention is to capture that and then
12 provide that information or pass it to Ms. Hofman to
13 recompensate for the damage on the levees.

14 SECRETARY DOHERTY: I thought you wanted to get
15 rid of vegetation on the levees. Now you're saying they
16 destroyed vegetation on the levees.

17 MR. BRUNNER: Well, you don't want to get rid of
18 all vegetation on the levees. You're wanting to get rid
19 of trees and other things with large root structures in
20 the levees.

21 In this particular case we did go through and
22 vegetate the levee. And then when you go through and you
23 have now hoof marks in the levees, depressions that are
24 there that need to be resurfaced so that we can do
25 maintenance. Part of the maintenance is that we want to

1 try to move away from burning on levees if possible. And
2 you have different types of vehicles that we may be
3 purchasing, along with RD 784, to do other types of
4 maintenance, of grading and just cutting down weeds on the
5 area. There's -- we think that there's still advantages
6 of purchasing the property and moving forward.

7 SECRETARY DOHERTY: If you are thinking about
8 purchasing the property, you might also think -- and just
9 throwing it in, this is just a suggestion -- you might
10 offer to build a fence as part of the purchase price. And
11 then you wouldn't be troubled by trespass any longer.
12 Strong fences make good neighbors.

13 MR. BRUNNER: Well, I think the fencing -- good
14 consideration on that. The fencing that was put up before
15 is still there. The gates are down now. The last time I
16 drove by at least they were down. Our understanding,
17 which is one of the items on 2 and 3 here for that
18 property, is that I understand that Ms. Hofman, the
19 attorney, Mr. Eres, has approached the staff about -- your
20 staff on getting an encroachment permit for the fencing
21 and gates. And that process is underway, I think nearing
22 completion, which would allow that actually to be
23 officially there.

24 So if it needs to be improved, that could be part
25 of the deal, to work out the cost of fencing and the

1 purchasing of the property.

2 PRESIDENT CARTER: I think just as a comment, I
3 had some experience in grazing levees over the last
4 several decades. And I don't know whether these
5 depressions that the cattle are making are cosmetic or
6 they're structural. But if you're looking to, you know,
7 reduce burning on the -- of grasses and what not on the
8 levee, there's nothing better than livestock to graze it
9 off. And you have less residual and less to maintain.

10 So I think that in general grazing is a good
11 practice in terms of helping with vegetation management,
12 and can even sometimes compact the slopes of the levees if
13 it's managed properly.

14 MR. BRUNNER: The key point -- and I did provide
15 staff a CD of the levee right after the activity was going
16 on. And perhaps staff could provide it for your review.
17 The grazing occurred during the wintertime when this
18 ground is soft. And there were considerable depressions
19 and that that happened. It wasn't just vegetation
20 control. So there was damaged surface on the levees that
21 were there.

22 The grazing can help obviously on certain
23 portions of the levees to cut down the vegetation. But I
24 would consider looking at the CD and giving some feedback
25 from that.

1 PRESIDENT CARTER: We will.

2 SECRETARY DOHERTY: I wouldn't mind visiting that
3 area also. I visited it before. And if I remember
4 correctly, there was gravel on top of the levees. I can't
5 imagine, unless you had a thousand head up there in that
6 space, that they could do that much damage.

7 MR. BRUNNER: I don't recall gravel being on the
8 levee face in that part of the levee that was there.

9 SECRETARY DOHERTY: Well, I'll stop in and take a
10 look.

11 MR. BRUNNER: Okay.

12 VICE-PRESIDENT HODGKINS: It's on the access road
13 on top of the levee.

14 MR. BRUNNER: Yeah, on the access road there
15 would be gravel. And this is on the embankments. The
16 slope of the embankment is where the --

17 SECRETARY DOHERTY: Yeah, there's no gravel
18 there.

19 MR. BRUNNER: Not that I'm aware of.

20 SECRETARY DOHERTY: No. I was talking about the
21 surface on the top, the crest.

22 MR. BRUNNER: On the Yuba River levee there's
23 a -- I'm down on B1 on page 2. We're still working
24 through that effort. That hydraulic analysis is to be
25 completed by the end of this month, so we should be able

1 to provide something next month in more detail for the
2 group.

3 On segments 1 and 3, on construction on page 3 of
4 the report, we are moving forward with notices to proceed
5 on both segments 3 and 1. This work is to be done by
6 Nordic Industries.

7 And we're still working through a couple of the
8 items that are listed here with staff. We think that
9 those will work through and be able to proceed on the
10 projects very soon.

11 On segment 2, the -- we're now in negotiations --
12 since the EIP project is very close to now being fully
13 executed, the contractor that we will be awarding the
14 foundation work and the embankment work is Teichert. We
15 plan to do that award, at least a good portion of the
16 award of the project in the early to mid-May time period.
17 I think that ties in closely with the funding that will be
18 coming from the state, and we'll be able to then start the
19 setback work, moving forward very quickly here and start
20 that construction.

21 On page 4 is another item here in the top, Item
22 C, which deals with the EIS process and 408 permit. There
23 was a reference earlier this morning too on the 408
24 delegation letter coming. I think, Jay, you had mentioned
25 that during your report. We have received that. We'll

1 work directly with Jay to produce whatever we need for the
2 Corps to answer those questions.

3 We're appreciative of the delegation to the
4 division. We were hoping it would come all the way to the
5 district on the 408, but it did just go to the division.
6 Well, it makes it a much shorter drive for us to go to San
7 Francisco to work issues than flying to Washington on
8 issues. So that's at least a step in the right direction.

9 Utility crossings. We do have agreement now from
10 AT&T and Sprint on Item A there to put the markers.
11 Indication so far that they're not there yet. We'll
12 continue to follow up. And as I committed before, if they
13 don't go up soon, we'll go ahead and put them up on the
14 markers.

15 On Qwest, the Item B, the actions have -- from
16 our point of view, I think we've taken all the various
17 actions and provided the information to The Rec Board
18 staff, and have really asked for help on that case. And
19 for our case, since we can't really do anything more from
20 our vantage point, we'll leave it as such and remove it
21 from the report and maybe come back periodically and give
22 an answer. But instead of reporting continued the same,
23 it's really I think your staff's action now what the next
24 step is.

25 And then under building issue reports, the

1 graphic and the table that were there, you'll see that
2 there's been very little development that has occurred. I
3 think there's only even one building permit in March since
4 the last time we met. So there's not a lot of economic
5 growth going on in the area.

6 What I'm going to do now, if there's no questions
7 about my report specifically, is to ask Scott to come and
8 talk about Item 8A, a little bit about the cooperative
9 agreement, the item that was removed from the consent
10 agreement and potentially would be discussed in our time.

11 Scott.

12 PRESIDENT CARTER: Excuse me. I just have one
13 question on 3B.

14 So, Jay, can you tell the Board what the next
15 steps are there and give us an idea of timing on the Qwest
16 encroachment permit.

17 EXECUTIVE OFFICER PUNIA: I need to invite Gary
18 or Steve Dawson to give -- I think -- I don't recall if we
19 have sent anything to Qwest. Gary.

20 CHIEF ENGINEER HESTER: Board staff -- this is
21 Gary Hester, Chief Engineer. Board staff has discussed
22 this internally. And we need to have a follow-up
23 conversation with the Corps soil design staff to determine
24 what their concerns are, and then either require a
25 relocation of that utility in that location or whether

1 there are some other alternatives we can pursue. So Board
2 staff still needs to coordinate with the Corps on that.

3 PRESIDENT CARTER: Do you think that we will have
4 a determination and resolution and repair before the next
5 flood season?

6 CHIEF ENGINEER HESTER: I think it's possible.
7 Although, you know, I certainly can't give you the
8 assurance that that would happen.

9 PRESIDENT CARTER: Okay.

10 SECRETARY DOHERTY: Mr. Chairman?

11 No record of a permit has ever been -- has been
12 found for this, right?

13 CHIEF ENGINEER HESTER: That's correct.

14 SECRETARY DOHERTY: So they are in direct
15 violation right now?

16 CHIEF ENGINEER HESTER: Yes.

17 SECRETARY DOHERTY: So why would that take so
18 long to just say, "Hey, look, you guys. You violated the
19 law. Let's move that pipe"?

20 CHIEF ENGINEER HESTER: You know, I'll -- I think
21 it is possible. But I'm just not sure of what all we need
22 to do in order to make that happen.

23 VICE-PRESIDENT HODGKINS: Can I speak to this for
24 a minute?

25 SECRETARY DOHERTY: Sure.

1 VICE-PRESIDENT HODGKINS: I mean part of the
2 problem here is -- Qwest is communication?

3 SECRETARY DOHERTY: Uh-huh.

4 CHIEF ENGINEER HESTER: Yes.

5 VICE-PRESIDENT HODGKINS: And unless I'm wrong,
6 they're in bankruptcy. Don't I read something about the
7 problem with their stock and -- I don't know.

8 SECRETARY DOHERTY: I missed that.

9 VICE-PRESIDENT HODGKINS: But fundamentally when
10 you come up against a utility who's got their facility in,
11 they will ignore you, because your only tool to make them
12 comply is to go to court.

13 SECRETARY DOHERTY: What happened if you cut the
14 lines?

15 (Laughter.)

16 VICE-PRESIDENT HODGKINS: I would turn to the
17 attorney. Okay?

18 (Laughter.)

19 VICE-PRESIDENT HODGKINS: But I have seen
20 contractors cut PT&T trunk cables because they wouldn't
21 come out and move them. And at least the arguments fly
22 that that's costing them a hundred thousand dollars a
23 minute. And the action was way disproportionate to the
24 potential risk or loss to the contractors. So I think you
25 have to be very careful about doing that, as much as

1 it's -- you can threaten to do that, but I think they know
2 it's only a threat.

3 So it is part of the problem in that we don't
4 have any teeth without going to court to make anybody do
5 anything.

6 Would you disagree?

7 LEGAL COUNSEL CAHILL: No, I agree. And
8 enforcement has a lot of procedural steps, and it's not
9 quick. And ultimately we would take it to court.

10 PRESIDENT CARTER: All right. Very good.

11 Go ahead and proceed.

12 I'd just ask you -- we have removed Item 8A from
13 the agenda. We will not be discussing it today. If you
14 want to address why we're not discussing it briefly,
15 that's fine. But we don't want to get into a lengthy
16 discussion about it. That's for another meeting.

17 MR. SHAPIRO: Thank you, President Carter. Scott
18 Shapiro, General Counsel for Three Rivers.

19 Actually I have no intention to talk about the
20 cooperative agreement at this time or to go into why it's
21 off the agenda. I'll work with Ms. Cahill to make sure
22 the proper draft comes forward.

23 Paul had asked me to come up to be prepared to
24 speak to the comments that Butch raised about wanting to
25 speak to the equity or inequity of these provisions being

1 in a cooperative agreement for Three Rivers where they're
2 not there for SAFCA. And so I just wanted to make myself
3 available to answer questions if you had questions or to
4 provide Three Rivers' perspective on that issue. But
5 Three Rivers does not have an agenda, if you will, to
6 cover this item right now, and wouldn't have spoken to it
7 at all if Member Hodgkins hadn't asked that it be
8 discussed today.

9 PRESIDENT CARTER: Okay.

10 MR. SHAPIRO: So I don't know if you have
11 questions of me or if I should sit down.

12 VICE-PRESIDENT HODGKINS: So that is not your
13 issue in deferring this agreement?

14 MR. SHAPIRO: It is our issue, but it is not our
15 issue in deferring the agreement. We object to it. I can
16 explain why we object to it at this time.

17 VICE-PRESIDENT HODGKINS: I think I've heard it,
18 Scott.

19 MR. SHAPIRO: In fact, I think you made the
20 argument fairly effectively yourself. And the only
21 element that hasn't been discussed previously is that a
22 requirement of wanting grant money is the execution of a
23 new comprehensive O&M agreement between RD 784 and the
24 State of California, which suffices to provide all of that
25 O&M responsibility in clarity and the remedies the state

1 has if O&M is not performed. That hasn't been discussed
2 before, but that's a new wrinkle to it.

3 Beyond that, we do object, but that's not why we
4 asked it to be pulled.

5 VICE-PRESIDENT HODGKINS: Okay. Thank you.

6 PRESIDENT CARTER: Anything else?

7 Very good.

8 We do have a --

9 VICE-PRESIDENT HODGKINS: Just a minor point.

10 When I asked them to update some of these items,
11 I was not anticipating that they would simply say, "We're
12 going to take it off the permit." So I think it's
13 important -- or "off the monthly report." I think it's
14 important that staff look at this monthly report and
15 holler if these items that they've said they're taking off
16 and going to pursue on their own are issues that you folks
17 feel strongly about, and let them know that, and the Board
18 as well. But you can just do that by sending them a
19 letter with a copy to the Board.

20 So our lack of comment is not agreement with you
21 that all these items should be dropped. It's, staff, look
22 and see if they should be dropped or not.

23 PRESIDENT CARTER: Thank you.

24 We do have a couple of folks who want to comment
25 on this particular item.

1 Mr. Eres.

2 MR. ERES: Good morning, President Carter,
3 members of the Board. Tom Eres representing Hofman Ranch.

4 I have two sets of comments I'd like to make this
5 morning. One of them has to do with the items that are
6 being referred to as taken off the agenda. We appreciate,
7 Mr. Hodgkins, your comments. And then I have a couple of
8 general comments.

9 But Hofman Ranch, Ms. Hofman in particular,
10 thinks it's important for this Board to have the record
11 straight on what appears within this status report from
12 Three Rivers. There have been a lot of difficulties
13 between Hofman Ranch and Three Rivers, and I think the
14 Board is aware of a good deal of that.

15 So the point here is to again clarify where her
16 position is with respect to those items.

17 Mr. Brunner made a comment about Three Rivers
18 owning easements out there. They do not own any easements
19 on Hofman Ranch. Any easements on Hofman Ranch are a
20 title document with Sacramento/San Joaquin Drainage
21 District, which may or may not be part of the problem
22 because Three Rivers has tried to operate as if they did
23 have easements out there, which they do not. This goes
24 back to construction where they were required to have
25 temporary construction easements, which they did not get.

1 That comment is important, because ultimately
2 there was an agreement, at least Hofman Ranch thought, to
3 take care of the immediate problem of allowing access of
4 contractors on to the project in exchange for some
5 accommodation she was to receive, which she did not get
6 and which she still believes are in need enforcement. But
7 that's not a Board issue. I'm just giving you that as
8 background. That's an issue between her and Three Rivers
9 and RD 784.

10 Mr. Punia's correct. Ms. Hofman did offer and
11 has offered a 50-foot strip along the landward toe of the
12 Western Pacific Interceptor Canal to the Sacramento/San
13 Joaquin Drainage District for purposes of their
14 maintenance requirements. And I checked with your staff,
15 Dan Fua, in particular, to make sure that it was a
16 requirement of the Board. And it is contained not in
17 Title 21; it's contained in -- did I say 21? I mean 23.
18 It is contained in the permit that you issued to Three
19 Rivers, that they're supposed to have a 50-foot easement.
20 And as I indicated, Ms. Hofman is willing to provide that
21 to you all at no cost, again for maintenance purposes.

22 This issue that we read in the report that there
23 is precondemnation efforts being initiated by Three Rivers
24 for more than the 50 foot is a significant problem. And
25 if they pursue that, it will be a challenge. Hofman Ranch

1 is not interested in any offers to acquire fee simple
2 title. She's not interested in any offers to go from the
3 levee to Highway 70. That is basically a non-starter.
4 She will go along with the easement to you all.

5 I think that it's important also that there seems
6 to be this indication that Hofman Ranch was not
7 cooperative in trying to help in getting the location of
8 some pipe, that I think it's Station 264-60 or something
9 like that. I don't recall. She indicates to me that in
10 discussions with Mr. Brunner that she was asking specific
11 questions concerning that particular pipe and how it was
12 going to be located and what kind of equipment, over what
13 period of time, and whatever. So she doesn't want the
14 impression to be out here that she was not willing to sit
15 down and listen. But it has been difficult in
16 communications. And, again, that's nothing that we need
17 to get into at this stage of the game.

18 The issue of the fencing and the gate continues
19 to come up. It's like a bad penny. I mean it just
20 doesn't go away. It has to be resolved. We appreciate,
21 Mr. Carter, your comments, and Ms. Doherty. Just to
22 remind the Board, and I think we've indicated this before,
23 there is a problem that has happened with Three Rivers
24 when Hofman Ranch needed to graze cattle. There was a
25 difficulty with respect to Three Rivers, who had made an

1 agreement, and our understanding negotiated by county
2 counsel, wherein in exchange for certain accommodations by
3 Hofman Ranch, Three Rivers would in fact install gates.
4 Hofman Ranch said they would go ahead and install the
5 fencing.

6 This was an agreement. This agreement did not go
7 forward, we were advised, because RD 784, quote, "didn't
8 like gates and fences." And from that standpoint it in
9 effect evaporated. However, when Ms. Hofman needed to
10 take the actions to preserve the ability to have cattle
11 out there on the pastures, if you can believe it or not,
12 Three Rivers and 784 actually pursued a criminal complaint
13 against her with respect to the fact she was destroying
14 the levee. Fortunately that disappeared after a little
15 bit of look-see by appropriate offices of the district
16 attorney. But it gives you a little bit of a sense, a
17 little flavor here that we really have not the kind of
18 integrated relationship between Hofman Ranch, Three
19 Rivers, and RD 784.

20 On the issue of damage to the levee, I would
21 suggest to you our research tells us it's cosmetic, to use
22 that term, not structural. I too was out there about
23 three days ago to look at the levee. And the vegetation,
24 I don't know what they're referring to, appears to have
25 grown back. So again we think cattle grazing on that is

1 quite consistent. And there was a couple of rain storms I
2 think in October when the cattle were still there. That's
3 where the impressions came from. But we would suggest
4 again that is cosmetic. There are still issues of
5 trespass out there that need to be resolved.

6 But those are my comments with respect to the
7 references in the report dealing with basically Hofman
8 Ranch.

9 There are some questions that have been raised
10 with respect to apparently an O&M manual addendum that is
11 being prepared we understand by Three Rivers that is being
12 reviewed by the Corps of Engineers. We don't know if
13 you're aware of that or we don't know if you are
14 comfortable with that. And we're trying to get a copy of
15 it and we're trying to get some information about it. But
16 that's an alert to you.

17 I would indicate with respect to the Proposition
18 1E fundings, it was a comment made by President Carter at
19 the last meeting, "In fact, can state funding flow if
20 there are no federal permits?" And I believe Mr. Qualley
21 said he believed it could because they were not going to
22 be in the area where the permits are.

23 We've asked for that in writing. And we have not
24 been able to obtain it in writing. I believe Mr. Qualley
25 said if there was a writing, it will be in the funding

1 agreement itself. So we have not seen that. But, again,
2 we think if it gets to General Services, then that must be
3 the determination that the state can issue money for
4 construction without a federal permit on what is clearly
5 designed to be a new levee.

6 We also have some concerns with this whole issue
7 of what happened with the developers. Mr. Hodgkins, you
8 called it right a number of months ago that this whole
9 structure was dependent on the market and developers; and
10 if they went south, what was going to happen. Well, now
11 we know. Yuba County was requested -- pleaded to
12 participate along with Yuba County Water Agency to come up
13 with the local share Mr. Brunner referred to. We've
14 objected to that in terms of shifting of responsibility at
15 the appropriate meetings of Yuba County Water Agency and
16 the Yuba County.

17 The difficulty we have is who's going to pay for
18 it? And at the end of the day we all know who's going to
19 pay for it. It's the taxpayer. We only need to figure
20 out how they're going to try to get it paid for and
21 whether it's a 218 election and then the creation of a
22 district or a tax or whatever. Those are battles yet to
23 be pursued. But we would indicate to you that this also
24 has a tie-in to what you will be addressing later on the
25 cooperative agreement, the indemnification clause. In

1 light of the commitments that had been made by the county
2 and Yuba County Water Agency, we're not sure there is any
3 credit worthiness with respect to putting those
4 indemnifications together. So we look forward to that
5 discussion when you have it I guess in the future.

6 I'll simply conclude by thanking you for the
7 opportunity to clarify the record with respect to Hofman
8 Ranch. They are more than willing to work with the
9 Central Valley Flood Protection Board. They get along
10 fine with your staff. I think to the extent that permits
11 are required, we're looking at an agreement, we're working
12 with your staff to do that. If there are permits, it goes
13 back to the agreements that were breached. And those
14 permits should have been obtained by 784 and Three Rivers.
15 And we should not even be discussing gates and fences at
16 this stage of the game.

17 Again, thank you very much for your patience.

18 PRESIDENT CARTER: Thank you, Mr. Eres.

19 Any questions from Mr. Eres?

20 SECRETARY DOHERTY: I don't have a question for
21 Mr. Eres. But I'd like to emphasize -- and I don't think
22 he did this enough -- if 784 didn't want to bother with
23 gates, those animals would have been out on the highway
24 and would have been a danger to the citizens. Somebody
25 would have hit them surely. So those gates were

1 essential, and I'm glad Ms. Hofman put them up. And
2 they're very easy to unwire and open.

3 PRESIDENT CARTER: Okay. Mr. Foley, did you want
4 to --

5 MR. FOLEY: I'll pass. No thank you.

6 PRESIDENT CARTER: You'll pass. Okay.
7 Mr. Shapiro.

8 MR. SHAPIRO: President Carter. Scott Shapiro,
9 General Counsel, Three Rivers.

10 Excuse the somewhat unorthodox nature of my
11 coming up and speaking under public comment on my own
12 client's item. But Three Rivers' credibility with this
13 Board is important to Three Rivers. And while I respect
14 Mr. Eres, and I agree that there has been bad
15 communication over the years between Three Rivers and Ms.
16 Hofman, there are certain factual statements made that I
17 feel must be corrected in the record, because it's
18 important to Three Rivers that the Board not question
19 Three Rivers actions or credibility. And so there are
20 simply five brief points I'd like to make.

21 First of all, in regard to a comment made
22 earlier, Three Rivers actually offered to construct
23 fencing along the toe of the levee along Ms. Hofman's
24 property. We would pay for it. We would do all the work
25 ourselves. The fencing would be designed to keep the

1 cattle off the slopes of the levee and would confine the
2 cattle to the crossing over the levee where there are
3 ramps, where there is gravel. That offer was made to Ms.
4 Hofman multiple times and has always been rejected.

5 Secondly, Three Rivers did not have an obligation
6 to obtain temporary construction easements on Ms. Hofman's
7 property which Three Rivers failed to do. Indeed, Three
8 Rivers' contract with Nordic Industries for the work on
9 the Western Pacific Interceptor Canal had a contractual
10 requirement that Nordic do all of its work from the top of
11 the levee, and that it not work next to the levee so as to
12 not injure her property.

13 Third, I have written a number of letters -- and
14 I don't have them with me, but it's two or three -- to Mr.
15 Eres and Ms. Hofman in which we've requested access to do
16 the trenching to locate this missing pipe. Not one of
17 those letters has been responded to in writing or
18 verbally. So the notion that Ms. Hofman is out there and
19 willing to cooperate with us in locating this pipe that
20 the Corps would like located is simply not demonstrated by
21 the record, which is we've written letters, we've
22 requested access, access has never been given.

23 Fourth, there was a notion of Three Rivers
24 supposedly agreeing to construct gates. But actually Mr.
25 Eres noted county counsel agreed to construct gates.

1 County counsel is not Three Rivers. It is Yuba County
2 Counsel.

3 And fourth and finally, and perhaps most
4 importantly, Three Rivers did not pursue a criminal
5 complaint against Ms. Hofman. No staff, consultant, or
6 agent of Three Rivers contacted the district attorney, the
7 Sheriff or any deputy to complain about her activities
8 with regard to cattle on that levee. It is simply untrue
9 that we pursued a criminal activity.

10 Thank you.

11 PRESIDENT CARTER: Thank you.

12 Any other questions?

13 All right. Let's move on.

14 Item 8, Consent Calendar.

15 As you'll recall, we modified our consent
16 calendar this morning. And what remains on it are items
17 8B, 8C, 8E, 8F, 8I, J, K, L, M, N, O, and P.

18 That's what's left on the consent calendar for
19 today.

20 So we'll entertain a motion to take action on the
21 consent.

22 BOARD MEMBER BROWN: Mr. Chairman?

23 PRESIDENT CARTER: Yes, sir.

24 BOARD MEMBER BROWN: Before we do that, I have a
25 generic question on these issues here, with a couple of

1 these consent items.

2 What is that on the boring of pipelines through
3 the levees? Don't we require or have you considered
4 requiring a conduit for the bores where you -- we'd bore a
5 larger pipeline and slip the other pipeline in. In case
6 there's a leak that occurs, it occurs within the conduit
7 and not within the embankment?

8 CHIEF ENGINEER HESTER: Gary Hester, Chief
9 Engineer.

10 Yes, that is one method that is considered. And
11 if it's a reasonable solution, Board staff would review
12 that and approve it.

13 BOARD MEMBER BROWN: Well, I notice on one or two
14 of the consent items is that we just have a bore but no
15 conduit for the bore.

16 CHIEF ENGINEER HESTER: The typical approach that
17 Board staff would follow would be to not provide a
18 specific recommendation for the method employed, as stated
19 in the permit, but they would review it and consider not
20 only the safety of the proposal, but whether it was
21 reasonable or not. And so Board staff typically does not
22 give a specific recommendation for the installation. But
23 they do review it to see that it meets the regulations.

24 BOARD MEMBER BROWN: Mr. Hodgkins, you had a lot
25 of experience in this. And mine has been that the prudent

1 way of doing those is to put a conduit and then slip the
2 water pipeline or gas main or whatever in the conduit to
3 where if there is a leak, it doesn't occur in the
4 embankment.

5 VICE-PRESIDENT HODGKINS: Well, I think, you
6 know, one of the eye-openers for me over the last ten
7 years has been the use of direct boring or directional
8 boring, where in effect they use a machine that's attached
9 to the front of the conduit that they remotely control
10 from the surface of the ground to drill a hole that's
11 roughly the size of the conduit, slightly larger. They
12 inject usually bentonite or some kind of a sealant that
13 also serves as a lubricant as they drag this through. And
14 while there are always problems that can occur with
15 tunnels, any way they're done, I think our experience with
16 SAFCA was that the direct boring was as reliable as the
17 boring and jacking of the casing and then placing the
18 conduit in the casing. There's always problems trying to
19 be sure that there is no voids outside the casing. And
20 there's a problem with a directional bored tunnel under
21 the Sacramento River that was for 25 feet in diameter. I
22 don't know if that's resolved yet or not.

23 But there are difficult things to control because
24 you can't see what you're doing. You've got to anticipate
25 you're going to have problems, monitor them after they're

1 done, and fix them if you do.

2 BOARD MEMBER BROWN: Let's leave this like this
3 then. Maybe I'd like to have staff -- well, again to
4 putting conduits as opposed to the other alternative, you
5 can put the same bentonite around the conduit to protect
6 that from also maybe springing a leak. But obviously if
7 you have a pipe within a pipe and it leaks, it's going to
8 leak out at the ends and not through the embankment. So
9 I'm okay with this one here. But I'd like for you to go
10 ahead and think that through for the next one.

11 The other question, Mr. Chairman, is that several
12 of these are planting willows on the waterside of the
13 embankment. Why are we doing that?

14 SECRETARY DOHERTY: Planting what?

15 BOARD MEMBER BROWN: Willows. The N and O both
16 have willow plantings at the toe of the waterside slope on
17 the bank levee.

18 PRESIDENT CARTER: N, O, and P where they're
19 doing bank protection. Typically that's done for on-site
20 mitigation. And they're planted at the waterside low
21 water toe to provide habitat -- shaded riverine habitat
22 for aquatic species. That particular -- and you're
23 probably raising this in relation to the question with
24 regard to the Corps standard on levee vegetation and with
25 regard to protecting the core of the levee. The

1 vegetation standard, the Corps has delayed implementation
2 of some of that pending further review in the Central
3 Valley of California. And it has been a practice of DWR,
4 of the Board, and of the local district of the Corps to
5 try and do as much on-site mitigation as possible for
6 species. So that's the rationale behind it.

7 BOARD MEMBER BROWN: Well, I don't object to
8 on-site mitigation. But I certainly cast a shadow of
9 doubt of the wisdom of planting willows inside channels.

10 Mr. Hodgkins.

11 VICE-PRESIDENT HODGKINS: Come on, staff.

12 (Laughter.)

13 VICE-PRESIDENT HODGKINS: Willows are -- the
14 issue on the Corps veg policy is vegetation greater than
15 two or four inches in diameter. Trees, okay. And then in
16 addition to that -- and I'm not sure -- as I looked
17 through these permits, I noted at least one of them had a
18 letter from the Corps saying willows were permissible.
19 They do help to create a velocity barrier -- or a
20 velocity -- they tend to dissipate the shear forces that
21 would otherwise occur directly between the soil and the
22 moving water at high flows.

23 From the hydraulic standpoint, they tend to lay
24 down and not affect the capacity of the channel in any
25 significant way.

1 Now, the one question that I have is the basic
2 issue that you should be able to inspect the surface of
3 the ground. And I'm not sure exactly how that's done
4 other than to occasionally go through and thin the willows
5 and prune them up a bit, which is a headache for somebody
6 but it can be done. Maybe staff can help.

7 BOARD MEMBER BROWN: What do you do when the
8 trunk structure gets larger than the current limits that
9 are set, the two and a half inches?

10 VICE-PRESIDENT HODGKINS: You cut it down.

11 BOARD MEMBER BROWN: Then what do you do with the
12 roots that's remaining in the embankment?

13 VICE-PRESIDENT HODGKINS: Well, with willows you
14 can cut it down, but it isn't going to kill it. It's
15 going to sprout again and the whole process will go over.
16 I think that's part of the reason they're allowed.

17 BOARD MEMBER BROWN: All right.

18 PRESIDENT CARTER: There's clearly -- there's not
19 a body of science that it's conclusive as to either the
20 benefits or the detriment of this particular practice.
21 There are arguments on both sides.

22 CHIEF ENGINEER HESTER: President Carter, if I
23 may.

24 In the item, Exhibit A for Agenda Item 8P is a
25 letter from the Corps of Engineers. And it might be

1 helpful to read that into the record, given the discussion
2 regarding the willows.

3 On the first page of Exhibit A it reads: "Where
4 practicable, measures shall be taken to retard bank
5 erosion by planting of willows or other suitable growth on
6 areas riverward of the levees. Planting of native grass
7 is permissible as long as there is a maintenance program
8 in place for routine mowing or control of the grass.
9 Planting of willows is allowed, though it is suggested
10 that the Sandbar Willow variety be planted and pole
11 cuttings are gathered from the local area if possible. It
12 is not recommended that willows be allowed on the slopes
13 or crown of the levees."

14 BOARD MEMBER BROWN: Not on the slopes?

15 CHIEF ENGINEER HESTER: Correct. And this was a
16 letter dated April 11th of 2008 from the Corps's Flood
17 Protection and Navigation Section, signed by Kevin Knuuti.
18 So it was their approval letter for all of these bank
19 protection projects. So it underscores Member Hodgkins'
20 suggestion that this is really a measure to retard
21 erosion.

22 BOARD MEMBER BROWN: Let's see. If I understood
23 you right, it said it's not recommended to be planted on
24 the slopes.

25 CHIEF ENGINEER HESTER: That's correct, or crown.

1 BOARD MEMBER BROWN: Well, here on 8N is an
2 example. It says plant willows at the toe of the
3 waterside slope on the north bank levee. So I'm not sure.

4 CHIEF ENGINEER HESTER: I think the Corps's
5 letter the distinction is not to plant it on the slope or
6 the crown, but planting at the toe was acceptable.

7 BOARD MEMBER BROWN: On the waterside?

8 CHIEF ENGINEER HESTER: Yes.

9 BOARD MEMBER BROWN: Okay, Mr. Chairman. Thank
10 you.

11 PRESIDENT CARTER: What's the pleasure of the
12 Board on consent items 8B, C, E, F, I, J, K, L, M, N, O,
13 P?

14 BOARD MEMBER BROWN: I'll move the adoption.

15 VICE-PRESIDENT HODGKINS: I'll second.

16 PRESIDENT CARTER: We have a second.

17 Mr. Punia, would you call the roll.

18 EXECUTIVE OFFICER PUNIA: Board Member Emma
19 Suarez?

20 BOARD MEMBER SUAREZ: Aye.

21 EXECUTIVE OFFICER PUNIA: Board Vice-President
22 Butch Hodgkins?

23 VICE-PRESIDENT HODGKINS: Aye.

24 EXECUTIVE OFFICER PUNIA: Board Member John
25 Brown?

1 BOARD MEMBER BROWN: Aye.

2 EXECUTIVE OFFICER PUNIA: Board Member Lady Bug?

3 SECRETARY DOHERTY: Aye.

4 EXECUTIVE OFFICER PUNIA: Board President Ben
5 Carter?

6 PRESIDENT CARTER: Aye.

7 Motion carries unanimously.

8 All right. We did pull two items off of the
9 consent calendar for consideration as part of a hearing.
10 That's 8D and 8G.

11 We can begin that process at this point. And
12 we'll probably recess in the middle for lunch.

13 So we will start with item 8 -- excuse me. We'll
14 start with item 8 -- if there are no objections from the
15 Board, we'll go ahead and consider item 8G first, Permit
16 No. 18175, City of Sacramento.

17 Consider approval of Permit No. 18175 to remove
18 existing bridge and construct a 60-foot-wide,
19 328-foot-long bridge supported by five bents with four
20 supporting columns at each bent across the Natomas East
21 Main Drainage Canal.

22 So if staff could be prepared to do that.

23 Just want to review with everyone a process for
24 the hearing. We will call the hearing to order. Board
25 staff will make a presentation. There will be public

1 testimony, first by the applicants, persons supporting the
2 application, persons opposing the application, and then
3 anybody else who wishes to comment. There'll be rebuttal
4 testimony by the applicant, and then staff will be able to
5 respond to that testimony. We will at that point close
6 all public testimony. The Board will deliberate. And
7 applicants may make comment on the Board deliberations.
8 And then the Board will vote.

9 Any questions?

10 So with that, I will call the hearing to order on
11 item 8G of our agenda, Permit No. 18175, City of
12 Sacramento.

13 Mr. Dawson, will you be doing the presentation on
14 behalf of the staff?

15 EXECUTIVE OFFICER PUNIA: Gary Hester will take
16 the lead, and then Mr. Steve Dawson will provide the
17 details.

18 PRESIDENT CARTER: Okay. Very good.

19 CHIEF ENGINEER HESTER: Gary Hester, Chief
20 Engineer.

21 Agenda Item No. 8G is the replacement of the
22 Natomas East Main Drainage Canal bridge, a very old
23 bridge. This is -- the reason that we had requested to
24 pull it off the consent agenda is that we were -- at the
25 time we were preparing the Board packet, we were still

1 awaiting the Corps approval letter. So page 2 of the
2 staff report mentioned -- the first bullet on the top of
3 page 2 says, "The U.S. Army Corps of Engineers'
4 endorsement has not been received and is not anticipated
5 to be received prior to the April 18th, 2008, Board
6 meeting."

7 Yesterday afternoon, the Board provided us a
8 draft of their letter of approval. They have no technical
9 issues remaining with this proposed project. And,
10 therefore, the staff recommendation, we are modifying to
11 say, again on page 2 down at the bottom, "Staff recommends
12 that the Board adopt the CEQA findings and approve the
13 permit" upon receipt of a formal letter of approval from
14 the Corps that is signed. Right now we just have a draft
15 approval letter.

16 So that is a brief summary. Steve Dawson did the
17 primary preparation of the staff report. So I will ask
18 Steve if he would like to add anything or if Board members
19 have any questions.

20 PRESIDENT CARTER: Mr. Dawson, do you have
21 anything to add to Mr. Hester's?

22 FLOODWAY PROTECTION ACTING CHIEF DAWSON: I do
23 not.

24 PRESIDENT CARTER: Mr. Punia.

25 EXECUTIVE OFFICER PUNIA: We have Mr. Sandner

1 from U.S. Army Corps of Engineers. I think it may be good
2 that Board can hear from the U.S. Army Corps of Engineers,
3 their concurrence on this issue.

4 PRESIDENT CARTER: Mr. Sandner.

5 Good morning. Thank you for coming.

6 MR. SANDNER: Yes, thank you President Carter and
7 members of the Board. Jim Sandner from Sacramento
8 District Corps of Engineers.

9 We have been working the last few days with the
10 City of Sacramento and docket engineering to finalize our
11 review of this project. We had asked for some additional
12 information this morning on geotechnical concerns that we
13 had. They have provided that information to us. We will
14 complete that review. We do not see anything
15 preliminarily that creates concern for us at this point.
16 But we do need to review it. And we would have our
17 recommendations ready for the Board before the end of next
18 week.

19 We feel that it would be appropriate to allow
20 this project to have a kind of a preliminary approval
21 pending the receipt of our letter from the Corps of
22 Engineers.

23 PRESIDENT CARTER: Any questions for Mr. Sandner?

24 Thank you very much.

25 VICE-PRESIDENT HODGKINS: Yeah, I'd just like to

1 thank the Corps for getting a draft letter over here in
2 time to allow the Board to take action.

3 I think this bridge -- Does staff know? Are they
4 going to put this bridge above the 200-year water surface
5 elevation? Because this bridge now results in about a
6 six-foot notch in the levee on both sides that is three
7 feet into 100-year water surface. And so in a flood the
8 city has to go out and put stop logs in place and close
9 the road.

10 Does anybody -- are they going to fix that?

11 SENIOR ENGINEER BUTLER: Steve might know.

12 CHIEF ENGINEER HESTER: It is my understanding
13 that it does -- it will be above the 200-year water
14 surface elevation, and it does correct the stop logs. It
15 replaces -- the stop logs will no longer be needed.

16 VICE-PRESIDENT HODGKINS: That's great.

17 CHIEF ENGINEER HESTER: And if that is incorrect,
18 I will defer to Steve.

19 FLOODWAY PROTECTION ACTING CHIEF DAWSON: Steve
20 Dawson, Acting Chief, Floodway Protection Section.

21 I believe they are designing this to be two feet
22 above the 100-year water surface. The stop logs will not
23 be necessary.

24 VICE-PRESIDENT HODGKINS: Okay. It may have
25 water up against it in a 200-year flood. Although I don't

1 think the 200-year water surface is more than about a foot
2 above the 100-year, but I don't remember.

3 But I like -- so this is a flood control
4 improvement in addition to a bridge, that the existing
5 structure is a timber bridge that has far outlived its
6 useful life.

7 PRESIDENT CARTER: Any other questions for staff?

8 SECRETARY DOHERTY: So what we need is a motion
9 then so that --

10 PRESIDENT CARTER: We're not there quite yet.
11 We're still hearing public testimony.

12 SECRETARY DOHERTY: I'm sorry.

13 PRESIDENT CARTER: Are there any persons out
14 there, members of the public, that would like to speak in
15 support of the application?

16 Any members of the public or persons would like
17 to speak in opposition to the application?

18 Anybody else want to talk?

19 (Laughter.)

20 PRESIDENT CARTER: Okay. Hearing no other
21 comments, I assume there's no rebuttal testimony by the
22 applicant.

23 And does the Board staff want to add any
24 additional information?

25 Mr. Punia.

1 EXECUTIVE OFFICER PUNIA: I just want to share
2 with the Board the information that the contract has been
3 let and the contractor is waiting to start the
4 construction. So as soon as the permit is issued, the
5 contractor will go to the construction phase of this
6 project.

7 And there was a concern by the applicant, if the
8 Board cannot make a decision at this time, then the
9 contractor has to wait another month before we can bring
10 this project back to the Board.

11 So I apologize that we brought this in piecemeal,
12 not having the Corps final letter. But there are huge
13 consequences on the part of the City of Sacramento that
14 they have to pay standby fees to the construction
15 contractors. So we are seeking the Board's action on this
16 today.

17 Thank you.

18 PRESIDENT CARTER:

19 BOARD MEMBER BROWN: Are you ready for a motion,
20 Mr. Chairman?

21 PRESIDENT CARTER: At this point I'd like to
22 close the public testimony on this particular hearing of
23 Application No. 18175 for the City of Sacramento.

24 And if the Board members do not wish to
25 deliberate, the Board would entertain a motion, seeing no

1 opposition to recommend that the Board adopt the CEQA
2 findings, approve the permit and delegate the authority to
3 the General Manager to sign the permit when they have
4 completed Corps support for the project.

5 BOARD MEMBER BROWN: I'll make a motion, Mr.
6 Chairman, that the Board adopt the CEQA findings and
7 approve the permit as presented pending, if I heard you
8 right, the receipt of the letter of approval from the
9 Corps of Engineers.

10 SECRETARY DOHERTY: And I will second.

11 PRESIDENT CARTER: So we have a motion and a
12 second.

13 Any further discussion?

14 Mr. Punia, would you call the roll.

15 EXECUTIVE OFFICER PUNIA: Board Member Emma
16 Suarez?

17 BOARD MEMBER SUAREZ: Aye.

18 EXECUTIVE OFFICER PUNIA: Board Vice-President
19 Butch Hodgkins?

20 VICE-PRESIDENT HODGKINS: Aye.

21 EXECUTIVE OFFICER PUNIA: Board Member John
22 Brown?

23 BOARD MEMBER BROWN: Aye.

24 EXECUTIVE OFFICER PUNIA: Board Member Lady Bug?

25 SECRETARY DOHERTY: Aye.

1 EXECUTIVE OFFICER PUNIA: Board President Ben

2 Carter?

3 PRESIDENT CARTER: Aye.

4 Let the record reflect the motion carried

5 unanimously.

6 And we are now closing the hearing on Application

7 No. 18175.

8 And at this point the Board will take an hour

9 recess for lunch. We'll reconvene here at 1 o'clock to

10 continue with our second hearing of the day, which is on

11 Item 8D, Permit No. 18321, Department of Water Resources.

12 Thank you very much.

13 (Thereupon a lunch break was taken.)

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1 AFTERNOON SESSION

2 PRESIDENT CARTER: Good afternoon, ladies and
3 gentlemen. Welcome back.

4 We are the Central Valley Flood Protection Board
5 continuing our meeting for today.

6 If I can remind you, we are on Item 8, an item
7 that we removed from the consent calendar. The specific
8 item is Item 8D, Permit No. 18321, Department of Water
9 Resources.

10 Consider approval of Permit 18321 to deliver
11 exploratory borings and install piezometers (monitoring
12 wells) in project levees throughout the Central Valley
13 Flood Control system.

14 Who in staff is going to take the lead on this
15 one?

16 EXECUTIVE OFFICER PUNIA: Gary Hester will take
17 the lead.

18 PRESIDENT CARTER: Okay. Gary.

19 This, as you recall, has been removed from the
20 consent calendar. It is going to be a hearing.

21 So I will now call the hearing to order on Permit
22 No. 18321 for the Department of Water Resources.

23 Mr. Hester.

24 CHIEF ENGINEER HESTER: Thank you, President
25 Carter, members of the Board. Gary Hester, Chief

1 Engineer.

2 This is Permit No. 18321. The applicant is the
3 Department of Water Resources. And this item was to
4 consider approval to drill exploratory borings and install
5 piezometers (monitoring wells) in project levees
6 throughout the Central Valley Flood Control system.

7 The author of the staff report was Steve Dawson,
8 who's here to answer questions if necessary.

9 This item was removed from the consent calendar
10 because there is still discussion about technical issues
11 related to the permit between Board staff and the Corps of
12 Engineers. The Board staff recommendation is to approve
13 the permit, but we still have those technical issues to
14 resolve. And, therefore, we do not have a Corps letter of
15 authorization that we are in agreement with.

16 So the recommendation to the Board would be to
17 allow Board staff to continue discussions with Corps staff
18 to resolve those technical issues. And then when we've
19 had satisfactory resolution to that, to delegate to
20 Executive Officer Punia the authority to sign the permit.

21 PRESIDENT CARTER: Thank you.

22 Before we entertain questions for staff, please
23 let the record reflect that Ms. Rie has joined the Board
24 after the noon break.

25 Any questions for Mr. Hester?

1 Okay. Does DWR have anything they'd like to add
2 to what staff has reported so far?

3 Any members of the public wish to speak in
4 support of the application?

5 Any in opposition?

6 All right. Does staff have anything else they
7 wish to add to the presentation?

8 No questions?

9 Okay. I'm going to close the public testimony
10 portion of the hearing.

11 And now this is time for Board members to
12 deliberate. Any issues, questions, discussions regarding
13 the application?

14 BOARD MEMBER BROWN: The diameter holes that's
15 drilled for the piezometers, what are they, about four
16 inches then with a one-inch pipe and some gravel pack
17 around them? Or how are they constructed?

18 CHIEF ENGINEER HESTER: I would like to ask Steve
19 Dawson of our staff to come up to give that description.

20 PRESIDENT CARTER: It doesn't appear that Mr.
21 Dawson is in the auditorium right now.

22 CHIEF ENGINEER HESTER: Then I will attempt to
23 answer it.

24 My understanding is that they're typically about
25 three inches in diameter.

1 BOARD MEMBER BROWN: And then they're packed with
2 a gravel or sand around it with a perforated one-inch
3 plastic pipe or something like that?

4 CHIEF ENGINEER HESTER: I believe so.

5 BOARD MEMBER BROWN: Okay.

6 SECRETARY DOHERTY: And approximately how many of
7 these are they going to install?

8 CHIEF ENGINEER HESTER: It's not determined at
9 this time, because part of this is a process where they
10 will take some initial exploratory drillings and then,
11 based on those results, determine where they need to go in
12 and find some additional detail.

13 BOARD MEMBER BROWN: As a comment, the
14 piezometers are an awfully good thing to be able to
15 identify the health of embankments, and I wholeheartedly
16 support it.

17 PRESIDENT CARTER: My understanding is there's
18 ongoing discussion between the applicant, DWR, and the
19 Corps as to the methods by which the piezometers are being
20 implemented. Can you shed any light on that?

21 CHIEF ENGINEER HESTER: At this point, what staff
22 has informed me is that the discussions are not formalized
23 to the point where we could actually admit that as
24 evidence.

25 PRESIDENT CARTER: So you're saying there aren't

1 discussions or questions with regard to that?

2 CHIEF ENGINEER HESTER: There are questions that
3 have been more informal conversations over the phone
4 rather than a submittal to DWR that we can actually
5 comment on in testimony. That's my understanding.

6 I understand that Steve is back. I'll let him
7 answer that.

8 PRESIDENT CARTER: Steve, can you enlighten us
9 into the reason and kind of content of the discussions
10 between DWR and the Corps with regard to questions on
11 implementation of this technology and this project.

12 FLOODWAY PROTECTION ACTING CHIEF DAWSON: Yes.
13 DWR has a program where they're going to do this
14 exploratory drilling throughout the non-urban levee
15 system, about 1250 miles. The Corps letter that was
16 received stipulated that they may use dry auger method
17 only, and that tied the hands of DWR. Now, they need to
18 use more than just the dry auger method to do the study.

19 So the wording in the Corps letter was too
20 general. And I talked with the Corps, and there's going
21 to be a revision whereby they will allow for corn
22 penetrometers; that the dry auger method will be used only
23 within the levee section, not the foundation; and it will
24 be clarified, at which time I do believe the technical
25 issues will be resolved.

1 PRESIDENT CARTER: Do we have any reason to
2 suspect that the Corps is not going to support this?

3 FLOODWAY PROTECTION ACTING CHIEF DAWSON: No.

4 PRESIDENT CARTER: Are these practices any
5 different than what we've employed in the past?

6 FLOODWAY PROTECTION ACTING CHIEF DAWSON: No.

7 PRESIDENT CARTER: Okay. Any other questions for
8 staff? Any other discussion?

9 Okay. If not, then -- does staff have anything
10 else they wish to add?

11 Okay. Board, what is your pleasure? We'll
12 introduce a motion to approve the permit.

13 VICE-PRESIDENT HODGKINS: Yeah, if I could, I'd
14 move that the Board conceptually approve the permit and
15 delegating execution of the permit to the General Manager
16 after he has incorporated whatever conditions are
17 requested by the Corps of Engineers.

18 PRESIDENT CARTER: Do we have a second on the
19 motion?

20 BOARD MEMBER BROWN: Second.

21 PRESIDENT CARTER: Okay. Second.

22 I have a question for staff. In the staff
23 recommendation it asks that the Board find that this
24 project is exempt from CEQA. Is that --

25 VICE-PRESIDENT HODGKINS: I will add that to my

1 motion, if I could. Thank you.

2 BOARD MEMBER BROWN: (Nods head.)

3 PRESIDENT CARTER: Is that the staff
4 recommendation?

5 SENIOR ENGINEER BUTLER: Actually the -- let me
6 just read -- this is Eric Butler. Let me just read the
7 statement. It says, "DWR as the lead agency under CEQA
8 determined that the project was exempt under a Class 6
9 categorical exemption." And that was all filed with the
10 clearinghouse since March 3rd, 2008. Our Board staff
11 concurs with that determination. And so, yeah, the
12 recommendation would be that you find in -- you're in
13 agreement with us that it is exempt from CEQA. And that
14 will be the final CEQA action that you would take prior to
15 approval of the permit.

16 PRESIDENT CARTER: Okay. Does the seconder agree
17 with the amendment?

18 BOARD MEMBER BROWN: I agree.

19 PRESIDENT CARTER: Okay. So we have a motion to
20 approve -- to make findings that the project is exempt
21 from CEQA, and to approve the permit subject to -- and
22 delegate to the General Manager the authority to sign the
23 permit, including any special conditions that the Corps
24 might have.

25 Any questions?

1 Further discussion?

2 BOARD MEMBER RIE: I was just curious. What is
3 the Corps concerned about? This is pretty routine.

4 PRESIDENT CARTER: Mr. Dawson, if you'd explain
5 again what the Corps's concerns are.

6 FLOODWAY PROTECTION ACTING CHIEF DAWSON: The
7 Corps's concerns are that the dry auger method be used
8 within the levee section. But their letter was not clear.
9 It said all borings of piezometers, wells, whatever, would
10 be done by the dry auger method. And they did not clarify
11 that. So DWR could not live with that, because they have
12 corn penetrometers and other methods that they may employ.
13 But they were excepted by the way the letter was written.
14 The Corps doesn't really have any other concerns
15 other than the levee section. And they're going to
16 rewrite the letter to clarify that, to where the dry auger
17 method will be the only one employed within the levee
18 section, and also allowing CPT testing.

19 BOARD MEMBER RIE: Okay. So we just need a
20 clarification letter from the Corps and then --

21 FLOODWAY PROTECTION ACTING CHIEF DAWSON: That is
22 correct.

23 BOARD MEMBER RIE: That's it?

24 FLOODWAY PROTECTION ACTING CHIEF DAWSON: That's
25 it.

1 BOARD MEMBER RIE: Okay.

2 PRESIDENT CARTER: Any other questions?

3 Mr. Punia, would you call the roll.

4 EXECUTIVE OFFICER PUNIA: Board Member John

5 Brown?

6 BOARD MEMBER BROWN: Aye.

7 EXECUTIVE OFFICER PUNIA: Board Member Lady Bug?

8 SECRETARY DOHERTY: Aye.

9 EXECUTIVE OFFICER PUNIA: Board Member Emma

10 Suarez?

11 BOARD MEMBER SUAREZ: Aye.

12 EXECUTIVE OFFICER PUNIA: Board Vice-President

13 Butch Hodgkins?

14 VICE-PRESIDENT HODGKINS: Aye.

15 EXECUTIVE OFFICER PUNIA: Board Member Teri Rie?

16 BOARD MEMBER RIE: Aye.

17 EXECUTIVE OFFICER PUNIA: Board President Ben

18 Carter?

19 PRESIDENT CARTER: Aye.

20 Thank you very much.

21 This concludes and closes this hearing on Permit

22 No. 18321, I think -- 18321. Thank you.

23 We'll move on to Item 9 on our agenda for today.

24 This is a requested action. West Sacramento Levee

25 Improvement Project, West Sacramento Area Flood Control

1 Agency.

2 Consider approval of a letter to the U.S. Army
3 Corps of Engineers requesting that the Corps initiate, in
4 coordination with West Sacramento Area Flood Control
5 Agency, a joint programmatic review of possible
6 improvements to the levees protecting the community of
7 West Sacramento under the National Environmental Policy
8 Act and the California Environmental Quality Act.

9 Good afternoon, Mr. Fua.

10 SUPERVISING ENGINEER FUA: Thank you, Mr.
11 President and Board members.

12 At our February 15 Board meeting, representatives
13 from the West Sacramento Area Flood Control Agency briefed
14 you on their levee improvement program.

15 (Thereupon an overhead presentation was
16 Presented as follows.)

17 SUPERVISING ENGINEER FUA: The main goal of this
18 program is to provide at least a minimum of -- a minimum
19 level of 200-year flood protection for the levees that
20 protect the City of West Sacramento. The agency had
21 conducted numerous studies so far. And that in fact
22 they're currently completing their problem identification
23 report, which identifies the levee deficiencies of the
24 levee that surrounds the city.

25 They will also conduct alternative analysis for

1 the corrective actions that were planned to implement for
2 the deficiencies that they have conducted, including the
3 associated costs for implementing these corrective
4 actions. Because these corrective actions may be major
5 alterations and modification to the levee system, these
6 actions will require approval from both the Board and the
7 U.S. Army Corps of Engineers, and also would require some
8 permitting actions from other resources agencies, both
9 state and federal.

10 Also, it's likely that the state and the U.S.
11 Army Corps of Engineers would provide some funding for
12 these projects. Because of this, they need to comply with
13 the National Environmental Policy Act and the California
14 Environmental Quality Act for this program.

15 So in order to comply with both NEPA and CEQA,
16 the agency is proposing to prepare a joint programmatic
17 environmental impact statement/environmental impact report
18 for the West Sacramento Levee Improvement Program in
19 cooperation with the U.S. Army Corps of Engineers. So I'm
20 here today to ask the Board to approve sending a letter to
21 the U.S. Army Corps of Engineers to initiate the
22 preparation of a joint programmatic EIS and EIR with the
23 agency for the West Sacramento Levee Improvement Program.

24 --o0o--

25 SUPERVISING ENGINEER FUA: Again, the program is

1 to evaluate the integrity of the levee system of the City
2 of West Sacramento and implement corrective actions on the
3 deficiencies that were identified.

4 --o0o--

5 SECRETARY DOHERTY: So you actually want two
6 motions?

7 SUPERVISING ENGINEER FUA: I do. One is to
8 approve the letter and, second, to delegate the authority
9 to send a letter to the Executive Officer.

10 The goal of the levee improvement -- the goals of
11 the levee improvement programs is to achieve a minimum
12 level of 200-year flood protection for the City of West
13 Sacramento; and, secondly, to reduce the risk to public
14 safety as quickly as possible. If you recall last month,
15 you heard the I Street Bridge project. And that is a
16 project that is part of the early implementation project.
17 And that is to meet the second goal, to reduce the risk to
18 public safety as quickly as possible.

19 --o0o--

20 SUPERVISING ENGINEER FUA: I'm sure you have seen
21 this map, but I'd like to show it again to you. This is
22 the map of the City of West Sacramento showing the levees
23 that surround the city. This is the Sacramento River, and
24 this is the west levee of the Sacramento River. This is
25 the deep-water ship channel, with the levees protecting

1 the city from the channel. This is the Sacramento Bypass
2 and the levee. And this is the Yolo Bypass and the Yolo
3 Bypass levees.

4 These are all part of the Sacramento River Flood
5 Control Project. So these are project levees.

6 --o0o--

7 SUPERVISING ENGINEER FUA: These are the
8 potential projects that the agency might implement in
9 order to correct the deficiencies that may be identified
10 and also to achieve the goal of having a 200-year -- at
11 least a 200-year flood protection for the city of West
12 Sacramento. One, to be a levee raise to address freeboard
13 deficiency; slurry cut-up walls to address seepage and
14 slope stability problems; seepage berms to address
15 seepage; waterside blankets to address seepage slope
16 stability and maybe erosion problems; levee crown and
17 slope modifications to achieve or to meet standards --
18 geometry standards and also maybe for erosion control
19 problems; and relief wells for seepage problems.

20 --o0o--

21 SUPERVISING ENGINEER FUA: So in summary, the
22 agency needs to prepare a joint programmatic EIS/EIR in
23 cooperation of -- in cooperation with the U.S. Army Corps
24 of Engineers. This document will provide public
25 disclosure and evaluate broad environmental effects of

1 projects. And this could also be used for federal
2 permitting and approvals, such as Section 408 and a
3 Section 404 permit. It would also -- we would also use it
4 to approve Board encroachment permits for future projects.

5 --o0o--

6 SUPERVISING ENGINEER FUA: So the staff
7 recommendation is to approve sending the request letter to
8 the U.S. Army Corps of Engineers and to delegate the
9 authority to the Executive Officer to sign the letter.
10 And I have provided you a draft letter to the Corps.

11 That concludes my presentation. And I'd be glad
12 to answer any questions you have.

13 PRESIDENT CARTER: Thank you.

14 Any questions for Mr. Fua?

15 Mr. Hodgkins.

16 VICE-PRESIDENT HODGKINS: In some ways, Dan, the
17 scope of this looks like at least the alternative
18 evaluation of a feasibility study. I'm not sure I
19 understand how the Corps can do this. Has the project
20 applicant talked to the Corps? Are they here?

21 SUPERVISING ENGINEER FUA: You mean the EIS --
22 preparation of the EIS?

23 VICE-PRESIDENT HODGKINS: Yeah. I mean the Corps
24 does a NEPA document like we do a CEQA document because
25 they're making a decision that requires a NEPA document.

1 I'm not sure I -- I'm trying to understand what are we
2 asking the Corps to do?

3 SUPERVISING ENGINEER FUA: Well, first of all,
4 the Corps is currently preparing a general reevaluation
5 report for the existing West Sacramento project. So, they
6 would actually need this document anyway for their GRR.

7 Secondly -- and -- the lead agency for the EIS
8 would be a federal agency. It just makes sense that it
9 would be the U.S. Army Corps of Engineers because they're
10 the ones that will be approving the projects.

11 If the City of West Sacramento or the agency
12 could help me out on this. Maybe I did not answer the
13 question correctly.

14 VICE-PRESIDENT HODGKINS: I have no objection to
15 sending the letter. I'm just trying to understand, based
16 on my past experience with the Corps's process and how
17 they participate in projects and the fact that they got to
18 have funding to do this work, how this fits in to that
19 scheme. Or maybe that scheme doesn't exist anymore.

20 MR. SHAPIRO: Good afternoon, members of the
21 Board. Scott Shapiro, Co-Program Manager for the West
22 Sacramento Area Flood Control Agency Flood Improvement
23 Project.

24 Butch, the Corps definitely will need a NEPA
25 document associated with the GRR or a feasibility study,

1 whatever it is that the Corps ultimately does, for West
2 Sacramento. But this is really a step before that. This
3 is providing a NEPA document that the Corps can use as it
4 grants 408 approvals for all of the early implementation
5 projects that would come forward sponsored by West
6 Sacramento and DWR.

7 And so, as you'll recall on both Natomas and
8 Three Rivers, the Corps is currently working on an EIS
9 right now for each of those projects that would provide
10 the NEPA support for them to be able to grant various 408
11 approvals. This is the equivalent NEPA document. It is
12 very programmatic in nature because, you're right, there
13 isn't a feasibility study or a GRR yet that has developed
14 the alternatives in detail and that can recommend a
15 preferred alternative, for example.

16 The alternatives in this document will be based
17 on the alternatives analysis, which is being prepared by
18 West Sacramento, and a draft of which will be done in
19 conjunction with a draft of a joint EIR/EIS. And this new
20 draft joint programmatic document that we're talking about
21 may ultimately include project-level-approval NEPA
22 analysis; it may be a document that the eventual Corps
23 NEPA approval tiers off of if a further EIS is required as
24 a result of a new authorized project that the Corps does.

25 But what we're trying to do is address dress the

1 fact that the Corps needs NEPA compliance for 408. And as
2 the city already has an EIR underway, and we continue to
3 hear this Board and the Corps say, "We want programmatic
4 looks of everything working together," this was the effort
5 to generate that.

6 And we would have gone directly to the Corps to
7 say, "Let's do it." But as you know, the Board is the
8 partner with the Corps. And so the Corps has said, "If
9 the Board requests that we do a joint document, we'll do a
10 joint document." We have been working with the Corps.
11 There's been a number of meetings already with the Corps.
12 And we're off and running.

13 VICE-PRESIDENT HODGKINS: Would this take funding
14 away?

15 How would the Corps fund their involvement in
16 this?

17 MR. SHAPIRO: My understanding is the Corps'
18 funding for this joint document will be handled out of the
19 Corps's pot of money for the West Sacramento project. So,
20 in essence, it can take money away from deficiency repair
21 sites from the preparation of a GRR. And I'll take you
22 back to the last 408 task force call we had, where they
23 talked about how 408s are being processed, and money
24 generally is being taken out of dedicated funds for a
25 particular project. So the Three Rivers EIS is being

1 funded out of Yuba Basin project money. And the EIS for
2 SAFCA for Natomas is being taken out of Natomas GRR money.
3 It's the same thing here.

4 VICE-PRESIDENT HODGKINS: Very good. That's my
5 concern, that we not take money away from one of the other
6 408 applications that comes out of that smaller Corps
7 account.

8 MR. SHAPIRO: Right. And this is -- Yeah, this
9 is not coming out of ICW. And our coordination with the
10 Corps has included the Corps telling us how much money
11 they need for each piece, and then us jointly saying
12 that's Corps capability, and then requesting that that
13 total fund be available and appropriated by Congress.

14 VICE-PRESIDENT HODGKINS: Very good. Thank you.

15 MR. SHAPIRO: Thank you.

16 PRESIDENT CARTER: Any other questions for staff?

17 Okay. Does the applicant wish to address the
18 Board in any further fashion?

19 MR. SHAPIRO: We just wanted to state that we
20 really appreciate the chance to work with the Board. That
21 we've heard the message to other applicants at working
22 together and getting a joint document. We're pleased to
23 do so. We have Will Chow and Mike Bessette here from the
24 city today, who are handling issues from the city side,
25 which staff's the project. We also have Eric Nagy, who's

1 with HDR, that's working on the alternatives analysis.

2 And we also have Tanya Matson with us from Jones and

3 Stokes that's doing the environmental document.

4 So if you have any detailed questions, they're
5 here available to answer your question.

6 Thank you.

7 PRESIDENT CARTER: Thank you.

8 Ms. Suarez.

9 BOARD MEMBER SUAREZ: Yes, thank you. I have a
10 quick question for Mr. Fua.

11 What is our financial commitment in this process?
12 I mean do we help pay for the environmental document?

13 SUPERVISING ENGINEER FUA: No, we don't. The
14 lead agency is West Sacramento Area Flood Control Agency
15 for CEQA.

16 PRESIDENT CARTER: Any other questions?

17 What's the pleasure of the Board?

18 VICE-PRESIDENT HODGKINS: I'll move approval of
19 the letter and the delegation to sign the letter to the
20 General Manager.

21 BOARD MEMBER RIE: Second.

22 SECRETARY DOHERTY: Go ahead.

23 BOARD MEMBER RIE: Go ahead.

24 SECRETARY DOHERTY: No, go ahead.

25 BOARD MEMBER RIE: Second.

1 PRESIDENT CARTER: Okay. We have a motion and a
2 second to approve sending the letter and delegating to the
3 Executive Officer the authority to sign the letter on
4 behalf of the Board.

5 Any further discussion?

6 Mr. Punia, would you call the roll.

7 EXECUTIVE OFFICER PUNIA: Board Member Emma
8 Suarez?

9 BOARD MEMBER SUAREZ: Aye.

10 EXECUTIVE OFFICER PUNIA: Board Vice-President
11 Butch Hodgkins?

12 VICE-PRESIDENT HODGKINS: Aye.

13 EXECUTIVE OFFICER PUNIA: Board Member Teri Rie?

14 BOARD MEMBER RIE: Aye.

15 EXECUTIVE OFFICER PUNIA: Board Member John
16 Brown?

17 BOARD MEMBER BROWN: Aye.

18 EXECUTIVE OFFICER PUNIA: Board Member Lady Bug?

19 SECRETARY DOHERTY: Aye.

20 EXECUTIVE OFFICER PUNIA: Board President Ben
21 Carter?

22 PRESIDENT CARTER: Aye.

23 Motion carries unanimously.

24 Thank you very much.

25 SUPERVISING ENGINEER FUA: Thank you.

1 PRESIDENT CARTER: Item 10, American River
2 Watershed, Lower American River Features, Mayhew Drain
3 Closure Structure.

4 Consider approval of Resolution 08-05, which
5 includes the following actions to approve the project:

6 Review and adoption of the findings that there's
7 not substantial evidence that the proposed project will
8 have a significant effect on the environment.

9 Adoption of the Mitigated Negative Declaration.

10 Approval of the Mitigation Monitoring Plan.

11 And, finally, approval of the American River
12 Watershed, Lower American River Features, Mayhew Drain
13 Closure Structure Project.

14 (Thereupon an overhead presentation was
15 Presented as follows.)

16 PRESIDENT CARTER: So, Mr. Scobba.

17 Good afternoon. Welcome.

18 MR. SCOBBA: Thank you, Mr. President, members of
19 the Board. My name's Chris Scobba and I am with the
20 Department of Water Resources and the Central Valley Flood
21 Protection Board.

22 I'm here before you today to present the American
23 River Watershed, Lower American Features, Mayhew Drain
24 Closure Structure initial study and mitigated Negative
25 Declaration for your consideration.

1 The Mayhew Closure Structure is part of the
2 previously approved American River Common Features
3 Project. An EIR for the American River Common Features
4 was approved in 2006 but did not include the closure
5 structure, as the precise location final design had not
6 been established at that time.

7 At this time, the closure structure location has
8 been established, the design is complete, all potential
9 impacts have been evaluated, and contracts are ready to be
10 awarded for the construction.

11 If Resolution 08-05 meets with your approval,
12 construction crews will be in a position to mobilize and
13 begin construction activities in the weeks following your
14 decision. This approval is critical to ensure that
15 construction can be completed prior to the end of this
16 year's construction season and public safety can be
17 enhanced due to the design level intended.

18 --oOo--

19 MR. SCOBBA: The purpose of the Mayhew structure
20 is to mitigate impacts to upstream side of the Mayhew
21 Drainage Canal improvements and reduce area-wide flooding
22 potential associated with 160,000 cfs design criteria.

23 The majority of the public comments received was
24 related to the public access ramp location and the fact
25 that it was intended to be a permanent feature. For this

1 reason the ramp will be a point of focus for this
2 presentation.

3 Comments were also received from CalTrans and
4 Sacramento Metropolitan Air Quality Management District,
5 and all comments have been responded to in the initial
6 study within Appendix H.

7 With this presentation I will be requesting
8 consideration and approval of Resolution 08-05.

9 --o0o--

10 MR. SCOBBA: This is the closure structure
11 location, with the white dot here. And this a plan view
12 of the structure itself from the Army Corps of Engineers'
13 plans. This is the ramp location, which is adjacent to
14 the closure structure on a vacant privately owned lot.

15 --o0o--

16 MR. SCOBBA: Some of the elements that staff
17 considered for the access ramp and the recommendation to
18 make it a permanent ramp was that it minimizes
19 construction-related impacts, noise and dust to residents;
20 it mitigates construction costs; and the lot itself that
21 the permanent ramp will be located on is privately owned
22 and the seller's willing to work with the Army Corps of
23 Engineers and the state to grant the rights to construct
24 it and have it located there permanently.

25 Another consideration was maintenance and access

1 operations over time are enhanced. And public safety due
2 to reduced emergency response times.

3 Staff's recommendation to maintain the ramp as a
4 permanent feature is also endorsed by the Corps and the
5 local sponsor.

6 --o0o--

7 MR. SCOBBA: This is another aerial that shows a
8 lower elevation location of the proposed ramp and its
9 proximity to the proposed closure structure location.

10 --o0o--

11 MR. SCOBBA: This is a picture of the lot that
12 the ramp will be located on and a rendering of what the
13 ramp will look like after construction is complete.

14 --o0o--

15 MR. SCOBBA: Another one of the considerations
16 was the fact that there aren't other access locations in
17 close proximity to the closure structure. So this is a
18 good location for maintenance and operation and life and
19 safety issues.

20 --o0o--

21 MR. SCOBBA: The initial study mitigated Negative
22 Declaration found that there are no significant impacts
23 identified. Mitigation measures are proposed. Mitigation
24 monitoring plans are included in the Negative Declaration.

25 Comments to the draft documents have been

1 received, and the response to those comments have been
2 provided in the final document.

3 --o0o--

4 MR. SCOBBA: I'd like to now open up this
5 presentation for discussion and public comments.

6 PRESIDENT CARTER: Any questions for Mr. Scobba?

7 BOARD MEMBER BROWN: Is that closing structure
8 manually or automatic?

9 MR. SCOBBA: It's actually operated in both
10 conditions. It's a remote operated and it can be opened
11 manually.

12 PRESIDENT CARTER: Any other questions for Mr.
13 Scobba?

14 SECRETARY DOHERTY: Are the estimates for
15 engineering and design and easements, are they falling in
16 line with the projected amounts?

17 MR. SCOBBA: That's a good question. I'd have to
18 get back to you on that. I recently took this project
19 over, so I'm still catching up with the history and the
20 details of it.

21 SECRETARY DOHERTY: All right. I just noticed,
22 because a lot of things have gone down. I just thought
23 perhaps that had gone down too.

24 MR. SCOBBA: I do know that the certification is
25 pending this approval.

1 MR. HOGE: I'm John Hoge, Corps of Engineers
2 Project Manager for the closure structure and levee raise.

3 Base of the options has already been awarded --
4 or it's already been bid. So we already have a price on
5 the option. We're just waiting to exercise the option.

6 SECRETARY DOHERTY: So there's no chance to
7 dicker?

8 MR. HOGE: No, that's correct.

9 SECRETARY DOHERTY: Okay. That's what I wanted
10 to know.

11 MR. HOGE: Okay. Thanks.

12 PRESIDENT CARTER: Ms. Rie.

13 BOARD MEMBER RIE: Where was this document
14 finalized? Because I just got it today.

15 MR. SCOBBA: I believe it was sent out within the
16 last couple of weeks, the final document.

17 Annalena Bronson was originally supposed to do
18 this presentation. And she was the one that coordinated
19 the routing of all the reports. And she's actually out of
20 the country right now.

21 EXECUTIVE OFFICER PUNIA: My understanding, it
22 was sent with the mailing to the Board members. I will
23 check why it was not included in your package.

24 PRESIDENT CARTER: Yeah, I can testify that I
25 received it in the original mailing of the Board packets

1 that arrived I believe last Friday, a week ago.

2 SECRETARY DOHERTY: I did too.

3 MR. SCOBBA: Mr. Hoge says it was finalized last
4 Tuesday, the document itself.

5 BOARD MEMBER RIE: Okay. Considering it was just
6 finalized in the last week and a half, have the residents
7 who have submitted letters and Emails, have they received
8 responses?

9 MR. SCOBBA: Yes, that's in Appendix H of that
10 report of the final document.

11 BOARD MEMBER RIE: Okay. Because I'm having
12 trouble finding the responses.

13 Are you guys putting the ramp in a park?

14 MR. SCOBBA: Actually there's a lot adjacent to
15 the ramp location that serves as access to the levee and
16 is a homeowners' -- it's a homeowners' association lot and
17 homeowners' association park. But the physical location
18 of the ramp will be put in a privately owned lot that's
19 adjacent to that HOA lot.

20 BOARD MEMBER RIE: So is there any impacts to the
21 park?

22 MR. SCOBBA: No, there isn't. There's I think
23 one tree that's going to be removed. But it wasn't
24 considered habitat and it wasn't considered an impact.

25 BOARD MEMBER RIE: Are there any mitigation

1 measures proposed for this ramp?

2 SECRETARY DOHERTY: Elderberries.

3 MR. SCOBBA: Yeah. I'm sorry, this is Annalena
4 Bronson's document, and she'd probably better to answer
5 those questions. But she couldn't be here today. So I
6 can definitely get back to you on that. But it is
7 contained in the --

8 BOARD MEMBER RIE: Well, should we wait until
9 next month?

10 MR. SCOBBA: I don't think so.

11 PRESIDENT CARTER: I was very pleased to see that
12 the elderberry mitigation was being located -- was being
13 located outside the designated floodway. That is I think
14 taking the beetles out of risk and out of harm's way as
15 well as the flood control system.

16 SECRETARY DOHERTY: Ms. Rie, I don't know. Did
17 you go with us on that tour out to the Mayhew -- oh,
18 because that was one of the very, very first tours that we
19 took as a board, and we all had a chance to view it at
20 that time.

21 BOARD MEMBER RIE: No, I'm sorry.

22 PRESIDENT CARTER: Okay. Any other questions for
23 Mr. Scobba?

24 All right. Ms. Suarez.

25 BOARD MEMBER SUAREZ: I'm actually kind of

1 following up on Rie's question.

2 So the ramp is going to be next to a park; is
3 that correct?

4 MR. SCOBBA: Yeah, it's a quasi-park. I mean
5 it's a --

6 BOARD MEMBER SUAREZ: -- an open space?

7 MR. SCOBBA: Yeah, kind -- it does have an access
8 route to the levee. But there's not like playground
9 equipment or -- I think that the -- this picture kind of
10 shows the area where -- to the left where the park is. I
11 mean it's got grass but it's not like an established --

12 BOARD MEMBER SUAREZ: And there is currently
13 access to the water from here?

14 MR. SCOBBA: Yes.

15 BOARD MEMBER SUAREZ: So you wouldn't be
16 increasing the possibility of an attractive nuisance for a
17 child by --

18 MR. SCOBBA: No. And I think that that's -- all
19 that access was via -- was historically via stairs, but
20 those stairs were subsequently taken out. As far as
21 promoting access for children, I think that that's what
22 the fences intend to do.

23 Could I have SAFCA come up here and comment on
24 the ramp and --

25 PRESIDENT CARTER: Absolutely.

1 MR. GHELFI: Good afternoon. Pete Ghelfi,
2 Director of Engineering for SAFCA.

3 What Chris is laying out -- if I could go back
4 one slide here. What this is on the -- if you're looking
5 at the picture, on your left-hand side is roughly a
6 homeowners' association's open space area. And you'll
7 notice in the picture there the fence is knocked down in
8 the back of the picture.

9 And what happens to the area to the left is that
10 they had a concrete walkway up to the levee and they had
11 stairs that went up to the levee to access the parkway.
12 As part of an earlier Corps project, that encroachment,
13 stairs on a levee, was removed. So there's a concrete
14 walkway that kind of provides neighborhood access to the
15 river system. But there is no stairs taking people up to
16 the levee, so they just walk up the face.

17 So it's kind of an open space area that's got a
18 concrete walkway that provided access for the neighborhood
19 to make it into the parkway.

20 The adjacent lot where we're going to put the
21 ramp -- where we're proposing to put the permanent ramp is
22 actually owned by a well company, a water company that
23 has -- I think it's had the property for a long, long
24 time. We haven't checked on how long they've owned it.

25 But, in essence, instead of having them have a

1 weed-filled lot, they've kind of worked with the
2 community, just say, "Okay, if you mow it and take care of
3 it," it's kind of open for the folks to use.

4 We are proposing to put the ramp on that
5 privately held property by the well company. They are
6 willing to work with us to do that. And so that's where
7 this rendering is showing that the ramp is located there,
8 not actually affecting any of the land on the homeowners'
9 association property.

10 Now, the community in some of their letters, as
11 shown in their appendix, has indicated that people use
12 that space for either recreation or letting their dogs run
13 or their kids play. But we felt that there was a
14 significant need to put a permanent ramp here for the
15 reasons that Chris listed, for better flood fighting
16 capability, access to the levee for construction, and
17 actually can be used by emergency folks for fire or
18 injuries within the parkway.

19 We do have a meeting -- the homeowners'
20 association has invited SAFCA and the state and DWR. And
21 the Corps will be there as well. The homeowners want to
22 talk to us about this ramp -- and we're willing to sit
23 down with them -- if there is something prettier in the
24 form of gates or trying to limit access to vehicles and
25 motorcycles or bicycles and that type of stuff. We want

1 to hear what their concerns are.

2 So hopefully that gives you a perspective of what
3 that land is being used for.

4 BOARD MEMBER RIE: Is there any possibility of
5 removing the gate and putting bollards so people can have
6 access to the river?

7 MR. GHELFI: Whatever the community wants. I
8 mean we could have a pipe be across, we could have
9 bollards so somebody can wield their bicycle.

10 We are finding that ramps in communities are not
11 necessarily something they desire. And so we're willing
12 to sit down with them to meet their needs, if they wanted
13 something -- if they wanted bollards, if they wanted the
14 pipe gate, they want some other type of gate system.
15 American River Flood Control District is the levee
16 maintainer, and they've expressed willingness to work with
17 a configuration that's satisfactory to the homeowners.

18 BOARD MEMBER RIE: Do you think after the meeting
19 there's a possibility that the ramp will move?

20 MR. GHELFI: We don't want it to move. That's
21 one of the reasons why I have a permanent ramp. There are
22 some very strong reasons for the need for a ramp in this
23 location. It's about at the midpoint between ramps on
24 each side. There isn't a ramp in this area. We've got a
25 closure structure, we've got a levee. And For flood

1 fighting purposes it fits very well. And there aren't
2 very many open space -- potential spots for a ramp nearby.
3 There is a public park maybe a thousand feet or so
4 downstream that could provide that as an option. But
5 we're not willing to go to that direction yet because
6 there's folks that would resist a ramp in the park.

7 BOARD MEMBER RIE: So are you guys going to
8 replace the stairs at the end of the walkway?

9 MR. GHELFI: No. And I think the ramp could
10 serve as an easier access point up to the top of the levee
11 than stairs would.

12 BOARD MEMBER RIE: I don't know. It just -- it
13 seems like -- they have a nice park here and it's a pretty
14 big open space. It seems like there's some flexibility to
15 accommodate the residents and provide access.

16 MR. GHELFI: I think collectively from our group,
17 we're willing to let people use the ramp to get up to the
18 top of the levee.

19 BOARD MEMBER RIE: Okay.

20 PRESIDENT CARTER: Any other questions?

21 For staff?

22 Does Staff have anything to add?

23 MR. SCOBBA: No, thank you.

24 PRESIDENT CARTER: Are there any members of the
25 audience that wish to speak out in opposition to this

1 project?

2 Okay. Mr. Punia.

3 EXECUTIVE OFFICER PUNIA: I just want to make a
4 comment.

5 Chris Scobba is our new staff who replaced Tim
6 Kerr. I think you've had interaction with Tim before.
7 And Tim is coming here in his new role as the general
8 manager of the American River Flood Control District. And
9 Tim took Gary Hester's old position.

10 (Laughter.)

11 PRESIDENT CARTER: Okay. Excellent.

12 Okay. Ladies and gentlemen, what's the pleasure
13 of the Board?

14 We'll entertain a motion to adopt the Resolution
15 08-05.

16 SECRETARY DOHERTY: I make a motion that we adopt
17 Resolution No. 08-05, the American River Watershed, Lower
18 American River Features, Mayhew Drain Closure Structure.

19 PRESIDENT CARTER: Okay. We have a motion.

20 Is there a second?

21 VICE-PRESIDENT HODGKINS: I'll second.

22 PRESIDENT CARTER: We have a second.

23 Any further discussion?

24 Mr. Punia, would you call the roll.

25 EXECUTIVE OFFICER PUNIA: Board Member Emma

1 Suarez?

2 BOARD MEMBER SUAREZ: Aye.

3 EXECUTIVE OFFICER PUNIA: Board Vice-President

4 Butch Hodgkins?

5 VICE-PRESIDENT HODGKINS: Aye.

6 EXECUTIVE OFFICER PUNIA: Board Member Teri Rie?

7 BOARD MEMBER RIE: No.

8 EXECUTIVE OFFICER PUNIA: Board Member John

9 Brown?

10 BOARD MEMBER BROWN: Aye.

11 EXECUTIVE OFFICER PUNIA: Board Member Lady Bug?

12 SECRETARY DOHERTY: Aye.

13 EXECUTIVE OFFICER PUNIA: Board President Ben

14 Carter?

15 PRESIDENT CARTER: Aye.

16 Very good. Motion carries.

17 Thank you very much, Mr. Scobba.

18 VICE-PRESIDENT HODGKINS: I do have a question.

19 Why is it that the certification of the

20 environmental document by the Reclamation Board has come

21 to us this late in the game? Has it been us that's

22 holding it up, or did it not get over here in time?

23 I mean to have us adopting a resolution like this

24 when you've already awarded the contract is not the way I

25 think we generally like to do business. We'd like to, you

1 know, have the homeowners show up, we'd like to have the
2 time to take care of this. And I'm just trying to
3 understand whether this permit's been one that's been in
4 our backlog or DWR and the Corps's backlog.

5 MR. SCOBBA: A clarification on the contract.

6 The contract is actually for the levee raise and
7 slurry wall in the Mayhew levees. This is an option to
8 the contract. The contract was awarded for the other
9 stuff. This is an option to that contract.

10 VICE-PRESIDENT HODGKINS: Okay.

11 MR. SCOBBA: And, again, the closure structure
12 was proposed as part of the original American River Common
13 Features Project. But due to the lack of the design and
14 location, they couldn't include it in the original
15 project.

16 PRESIDENT CARTER: Mr. Hodgkins still has a point
17 though. It was not included in the original document
18 because a location was undetermined and there were design
19 issues. However, still it seems like the environmental
20 documentation is coming at the 11th hour or maybe the 13th
21 hour in this case.

22 MR. HOGE: John Hoge again. Thank you.

23 With the closure structure there were issues that
24 we had with the county with interior drainage; have since
25 been solved. What we wanted to do was award the base of

1 this contract to get the levee work started, which has
2 already happened. And, in fact, we're going to do a
3 slurry installment next week. But at the same time have
4 this as an option. And now that we've completed the
5 interior drainage study and the real estate stuff, we can
6 exercise this option. That's why it was delayed.

7 PRESIDENT CARTER: Okay. Thank you very much.

8 We'll move on. Item 11, Maintenance Area
9 Budgets. Consider approval of DWR's proposed fiscal year
10 2008-2009 maintenance area budgets pursuant to Water Code
11 Section 12878.

12 Good afternoon, Mr. Swanson.

13 DWR FLOOD MAINTENANCE OFFICE CHIEF SWANSON: Good
14 afternoon. Keith Swanson, Chief of the Flood Maintenance
15 Office in Department of Water Resources' Division of Flood
16 Management.

17 I'm here before you today to present the proposed
18 2008-2009 maintenance area budget. As always with these
19 presentations, at the end of the formal portion I'm
20 available for comments. And I'll ask you to officially
21 approve the budget.

22 Just some general background. Maintenance areas
23 are formed in accordance with Water Code Section 12878,
24 like you said. They're formed when locals don't want to
25 step up and operate and maintain an area. In accordance

1 with the Water Code, the state then takes over the
2 operation and maintenance responsibilities, with
3 reimbursement from properties that receive a direct flood
4 benefit.

5 As part of the process, the Department proposes
6 the budget for the upcoming fiscal year. We present it to
7 the Board for your consideration and hopefully approval.

8 When the budgets are approved, the Department
9 forwards the costs to the individual counties, the
10 counties' proportion costs to the parcel level. They
11 collect the money, reimburse the Department. And while
12 this is occurring, the Department is conducting the work.
13 And at the end of the year there's a reconciliation and
14 either surpluses or deficits are rolled into the next
15 year's budget.

16 There is a public notification process required
17 by the Water Code. And I want to assure you that we have
18 met our obligations for that.

19 And then last year I gave you a projection of our
20 closure for the 2006-2007 budget. At the time we thought
21 that maybe we would be 8 percent under budget. In
22 actuality, we were 22 percent under budget. We had some
23 additional savings in our Maintenance Area 9 down in the
24 Pocket Area, which is one of our largest maintenance
25 areas. We weren't able to acquire a new mower that we

1 were trying to purchase. And we had some work that got
2 deferred into the summer on some of our roadway work. So
3 there was some material costs that were rolled into this
4 year and then some vegetation control work that was rolled
5 into this year's activities.

6 There were two maintenance areas where we had
7 some over-expenditures. One was Maintenance Area 3, that
8 has a \$66,000 budget. And we had a \$600 over-expenditure.
9 So pretty close to being on budget.

10 We did have a \$4,000 over-expenditure in our
11 Maintenance Area 16. That's a \$56,000 approved budget.
12 And so it's a little bit more significant. We did some
13 additional mowing. We were trying to fight some Johnson
14 grass and get it changed out. And so we mowed it twice.
15 Plus that's an area in the Live Oak -- it's in the Live
16 Oak area. And we have a lot of encroachment problems in
17 there, and so it's a never-ending battle. And we
18 overspent that particular budget item a little bit.

19 As far as this year, we're thinking that we're
20 going to be about 20 percent under the approved budget.
21 We're anticipating surpluses in nine of the ten
22 maintenance areas. And this really is a reflection of the
23 mild winter that we've had. We had very low patrolling
24 costs. And we're really not anticipating any major
25 restoration activities necessary.

1 We did again have an over-expenditure in
2 Maintenance Area 16, which is again the Live Oak area. We
3 were working with one of the local property owners that
4 was having a lot of vandalism in his waterside orchards.
5 There were a lot of people that were crashing through some
6 of our gates. And so we ended up having to do a lot of
7 gate repair. And then we finally ended up putting in some
8 more substantial gates that we hope will hold up better to
9 vehicular traffic. We also are continuing to deal with
10 encroachment issues in the area.

11 As far as this proposed budget, we are proposing
12 an overall budget of \$2,411,246. The details are in the
13 package. In general, it reflects a 1 percent decrease
14 relative to the approved 2007-2008 budget. In nine of the
15 ten maintenance areas we're proposing either equal funding
16 or cuts up to 3 percent. So slight cuts in some of the
17 areas.

18 In Maintenance Area 16, where we've had, you
19 know, ongoing encroachment issues, we're proposing a 2
20 percent increase, raising it up to \$58,000.

21 With that, I would request formal approval of the
22 proposed 2008-2009 budget in the amount of \$2,411,246, as
23 detailed in the Board package.

24 And I would be open to any questions or yield the
25 podium.

1 SECRETARY DOHERTY: I have a question, Mr.

2 Swanson.

3 On that Area 16, is that an orchard where you
4 have the access gates that they're breaking?

5 DWR FLOOD MAINTENANCE OFFICE CHIEF SWANSON:

6 Where we had problems and where we had
7 complaints, it was an orchard area. And the owner was
8 suffering a lot of vandalism. A lot of motorcyclists and
9 off-road vehicles were going in and tearing up his
10 orchard. And so we were working with him to close the
11 area off. And so, yeah, that's a waterside orchard.

12 SECRETARY DOHERTY: So there are levees adjoining
13 this orchard, is that correct, and they wanted to go on
14 the levees? I don't --

15 DWR FLOOD MAINTENANCE OFFICE CHIEF SWANSON:

16 They're going over the top of the levees into the
17 area between the levees. And there's a wide bench there
18 that is in orchard property.

19 SECRETARY DOHERTY: I see. Okay.

20 PRESIDENT CARTER: Mr. Swanson, is there a table
21 in here that summarizes much the same way you have for
22 each maintenance area but summarizes for all the
23 maintenance areas so we know how much -- what the total
24 bill is for the proposed budget for vegetation control or
25 encroachment removal or --

1 DWR FLOOD MAINTENANCE OFFICE CHIEF SWANSON: No.
2 I mean I'd be open to other presentations. You know, one
3 of the things is certainly in each maintenance area we
4 track the costs under all those various categories. And I
5 had never thought of aggregating it up, if I'm
6 understanding you -- for the ten maintenance areas are you
7 talking about, how much we spend for vegetation control or
8 something like that?

9 PRESIDENT CARTER: Right, of the proposed
10 \$2,411,000 how much is --

11 DWR FLOOD MAINTENANCE OFFICE CHIEF SWANSON: You
12 know, certainly we could do that if you were interested in
13 that kind of information.

14 PRESIDENT CARTER: Are you contemplating
15 any -- is this like routine vegetation control? Or what
16 kind of a contingency plan do you have should the Corps
17 decide they are going to disqualify areas from PL 84-99
18 due to vegetation?

19 DWR FLOOD MAINTENANCE OFFICE CHIEF SWANSON:
20 We're moving forward and have been moving forward
21 the last couple of years to come in compliance with our
22 interim goals of managing vegetation for accessibility and
23 visibility. And we really focused in on that on the top
24 20 feet of the waterside, which is the area that we would
25 potentially have to flood fight during high water event

1 and we would need to spread visquine. And then of course
2 the crown where we have our all-weather roads. And then
3 on the land side so that we can see any potential seepage
4 and we can get crews down there to respond to any kind of
5 situation that occurs. We think we're in pretty good
6 shape and we think we can meet that standard.

7 Now, if the Corps is successful and they
8 basically turn our levees into a putting green and they
9 remove all large vegetation, then we're going to have
10 significant challenges. And this budget does not reflect
11 those types of potential costs. Because really it would
12 be very hard to even put a dollar figure on that
13 because -- you know, very likely there would be a jeopardy
14 opinion with the resource agencies as you try to mitigate
15 and reestablish a riverine aquatic habitat. Yeah, I mean,
16 you know -- I don't know that we could even do it. And
17 so, you know, if we're going to -- to mitigate in kind
18 you'd have to build a new river system. And so I don't
19 think you're going to do that. And so it's very hard to
20 contemplate what the costs might be for that.

21 PRESIDENT CARTER: I notice that there's --
22 again, another reason for my question for the summary is
23 that there's -- each maintenance area has a specified
24 levee maintenance and there's a category for vegetation
25 control levees. But there's also a category for levee

1 vegetation control channels. I don't see where that's
2 captured anywhere here.

3 DWR FLOOD MAINTENANCE OFFICE CHIEF SWANSON:

4 That's only in Maintenance Area 5, I do believe.
5 And that's because we have an obligation -- a maintenance
6 area obligation on Little Chico Creek on the channel,
7 because that work was -- well, that's not part -- what is
8 it? It's something like it's not part of the Sacramento
9 River Flood Control Project. It's not something that we
10 were obligated to maintain in accordance with Water Code
11 Section 8361 at the expense of the -- as a General Fund
12 expense. That's something that is defined as part of the
13 maintenance area. And so that's the only maintenance area
14 that has channel maintenance responsibilities.

15 PRESIDENT CARTER: So the channel maintenance in
16 the bypasses, the Colusa, Tisdale, Fremont, is in another
17 bucket of money with the General Fund --

18 DWR FLOOD MAINTENANCE OFFICE CHIEF SWANSON:

19 That's a General Fund obligation.

20 PRESIDENT CARTER: Okay. And we don't have any
21 visibility into that?

22 DWR FLOOD MAINTENANCE OFFICE CHIEF SWANSON: No,
23 no. Now, there --

24 PRESIDENT CARTER: Can we get visibility into
25 that?

1 DWR FLOOD MAINTENANCE OFFICE CHIEF SWANSON:

2 There will be reports prepared in the legislative
3 obligations that George Qualley reported on today. There
4 is a requirement for -- well, for overall levee
5 maintenance.

6 Well, we'd be more than happy to work with you if
7 you have a subcommittee group. I mean it's not something
8 that is part of your jurisdiction. But if you're
9 interested, we'd be more than willing to share with you
10 and discuss what our overall maintenance area budget is --
11 or what our overall maintenance budget is and how we spend
12 that money. And, you know, we report in the
13 November-December timeframe on the things that we
14 accomplish. We could try to put some costs to that also,
15 if that would be helpful. Or if you want to see more
16 detail, we'll work with you off-line if that's what you
17 want.

18 PRESIDENT CARTER: Okay. Well, I think
19 if you're -- for the record, if you're referring to
20 jurisdiction as approval of the budget, you're right. But
21 with regard to public safety and the Sacramento Valley
22 flood control system, it is our jurisdiction.

23 DWR FLOOD MAINTENANCE OFFICE CHIEF SWANSON: Yes,
24 no question about it. And I'll be happy to work with you.
25 I mean, you tell me how you want to work with my group,

1 and we'll be more than happy to do that.

2 PRESIDENT CARTER: What I'd like to see is on
3 this piece that you're asking us to approve, that we get
4 kind of a summary so we know overall what we're spending
5 in each of these category. And I'd also like to see what
6 the total bucket is for maintenance that comes out of the
7 General Fund as well that we don't approve, but just to
8 get a snapshot of what the big picture is. It would help
9 us put these things in perspective.

10 DWR FLOOD MAINTENANCE OFFICE CHIEF SWANSON:

11 Okay. And just kind of as a high level, we have
12 about a \$21 million General Fund appropriation currently.
13 Although that's going to drop next year because we went
14 through some budget cuts. But our overall budget was
15 about \$7 million about four years ago, and we've got it up
16 to \$21 million, well, General Fund and the maintenance
17 area budget together. So it was 19 million General Fund.
18 So there were substantial increases. Now it's dropping.
19 And we can show you the types of things that we're
20 spending money on and --

21 PRESIDENT CARTER: Well, yeah. And our interest
22 is to be sure that we're continuing to stay after this and
23 we don't get into situations where we're way beyond
24 what -- letting things go well beyond what they should be
25 let go at. We want to stay ahead of the power curve on

1 this.

2 DWR FLOOD MAINTENANCE OFFICE CHIEF SWANSON: Yes.

3 And we're -- I mean I think our track record over the past

4 seven years is that we are making progress. And, you

5 know, we'd like to make more, no question about it. But

6 we're getting into areas that as a department we haven't

7 gotten into in, you know, 15, 20 years, and we're trying

8 to --

9 PRESIDENT CARTER: We just don't want that to
10 happen again, you know, at least on our watch.

11 DWR FLOOD MAINTENANCE OFFICE CHIEF SWANSON:

12 Yeah, I agree.

13 PRESIDENT CARTER: Ms. Suarez.

14 BOARD MEMBER SUAREZ: Thank you, Mr. President.

15 Mr. Swanson, I have a question for you on your
16 explanation of proposed maintenance area budgets.

17 You write that expenditures are expected to be
18 less than the approved budget in all but one of ten
19 maintenance areas.

20 Could you explain why the expenditures are
21 expected to be less than what was approved in the budget?

22 DWR FLOOD MAINTENANCE OFFICE CHIEF SWANSON:

23 Yeah. Generally this year we had very mild
24 conditions. And so if you look through the individual

25 expenditures on the various maintenance areas, you'll see

1 that we spent very little on patrolling. And then if
2 you'll look -- just in general, if you look at the
3 restoration item, we're proposing that -- or we're
4 anticipating spending very little on restoration work.
5 And so that's kind of the -- you know, on a high level.

6 Now, you know, individual categories with
7 individual maintenance areas will vary a little bit. And
8 I didn't get into that much specifics. But, you know, the
9 big money is associated with the mild winter.

10 BOARD MEMBER SUAREZ: And those savings, what
11 happens to them? Do they go back to the General Fund?

12 DWR FLOOD MAINTENANCE OFFICE CHIEF SWANSON: No,
13 they go back -- they're credited -- or they're used as
14 credit for the next year's budget. And so at the end of
15 the year, there's a truing up. Any money left over is
16 credited to the maintenance area, and the amount of money
17 that needs to be raised for the next year is lowered.

18 BOARD MEMBER SUAREZ: Okay. Thank you.

19 PRESIDENT CARTER: Mr. Hodgkins.

20 VICE-PRESIDENT HODGKINS: Just to be sure I
21 understand.

22 Each of these maintenance areas is funded by
23 money that comes from an assessment levied by -- and each
24 assessment for each area is different, whatever it needs
25 to be to make up the budget for that area? Or is it a

1 common amount for all?

2 DWR FLOOD MAINTENANCE OFFICE CHIEF SWANSON: No,
3 it's a maintenance area by maintenance area assessment.

4 VICE-PRESIDENT HODGKINS: Okay. Thank you.

5 PRESIDENT CARTER: Any other questions for Mr.
6 Swanson?

7 Hearing none.

8 No public comment?

9 Very good. We will entertain a motion to
10 consider approval of DWR's proposed Fiscal Year 2008-2009
11 Maintenance Area Budgets pursuant to Water Code 12878.

12 BOARD MEMBER RIE: Move to approve.

13 PRESIDENT CARTER: We have a motion.

14 Is there a second?

15 BOARD MEMBER BROWN: Second.

16 PRESIDENT CARTER: We have a second.

17 Any discussion?

18 Mr. Punia, would you call the roll please.

19 EXECUTIVE OFFICER PUNIA: Board Member Emma
20 Suarez?

21 BOARD MEMBER SUAREZ: Aye.

22 EXECUTIVE OFFICER PUNIA: Board Vice-President
23 Butch Hodgkins?

24 VICE-PRESIDENT HODGKINS: Aye.

25 EXECUTIVE OFFICER PUNIA: Board Member Teri Rie?

1 BOARD MEMBER RIE: Aye.

2 EXECUTIVE OFFICER PUNIA: Board Member John

3 Brown?

4 BOARD MEMBER BROWN: Aye.

5 EXECUTIVE OFFICER PUNIA: Board Member Lady Bug?

6 SECRETARY DOHERTY: Aye.

7 EXECUTIVE OFFICER PUNIA: Board President Ben

8 Carter?

9 PRESIDENT CARTER: Aye.

10 Motion carries unanimously.

11 Thank very much.

12 Okay. As you recall, Item 12 was removed from

13 our agenda today for future consideration. So we're

14 moving on to an informational briefing.

15 We're a little ahead of schedule here. So -- In

16 fact, we're way ahead of schedule. An hour ahead. Can

17 you believe it?

18 (Laughter.)

19 PRESIDENT CARTER: So let's see. What we can do

20 is -- let's see.

21 Do we have any Board comments, task leader

22 reports?

23 BOARD MEMBER SUAREZ: Mr. President?

24 PRESIDENT CARTER: Yes.

25 BOARD MEMBER SUAREZ: Counsel can help with this

1 one.

2 Informational hearings. They're just
3 informational. Couldn't we just proceed with those?

4 LEGAL COUNSEL CAHILL: I've never had to face
5 that question before.

6 We'll consider time items as close as possible to
7 whatever the time specified.

8 Unfortunately, the way we put it, we don't accept
9 informational. You know, we don't --

10 PRESIDENT CARTER: We can probably fill the time
11 though. We've got closed session to do --

12 EXECUTIVE OFFICER PUNIA: Future agenda.

13 PRESIDENT CARTER: -- and we've got future agenda
14 and Board comments/task leader reports. So I think we can
15 fill the time and maybe have a little recess.

16 Okay. So any Board comments or task leader
17 reports?

18 BOARD MEMBER BROWN: Talking about Board member
19 activities?

20 PRESIDENT CARTER: Yes.

21 BOARD MEMBER BROWN: I have a few, Mr. Chairman,
22 if you'd like.

23 PRESIDENT CARTER: Please.

24 BOARD MEMBER BROWN: Let's see. On March the
25 25th traveled to San Luis -- or to Los Banos to meet with

1 Reggie Hill of the Lower San Joaquin Levee District, along
2 with Gary Hester and I.

3 And prior to that meeting I met with Jean
4 Sagouspe of the Westlands Water District. He's Chairman
5 of the Board. And we mentioned to him our interest in
6 trying to come up with some preventive measures, at least
7 the consideration of them, for flood control, particularly
8 in some of those canyons up around, oh, Sulfur Creek and
9 Arroyo Pasajero and Orestimba and such. And he indicated
10 back to me that they would be very much interested in our
11 looking into that or having the Department of Water
12 Resources look into it; but their need for water
13 conservation practices and some of the heavy erosion
14 that's taken place out of those canyons down along the
15 California Aqueduct and even into the City of Mendota and
16 things like that.

17 Next day we had a good meeting with Reggie Hill
18 of the Lower San Joaquin Levee District, Gary Hester and
19 I. And very informative as to what that district's doing;
20 and also their interest in the same conservation measures.

21 On April 7th I talked with Jon Rubin, a local
22 attorney here, who is the attorney for Westlands Water
23 District. And he just reaffirmed what the chairman of the
24 board said.

25 And I also met with Neal Shield with Montgomery

1 Engineers on April 8th. And we talked in generalities
2 about flood control and conservation measures on the
3 westside and up in the Sacramento Valley also.

4 That's my report, Mr. Chairman.

5 PRESIDENT CARTER: Thank you.

6 Any questions for Mr. Brown?

7 Anybody else have anything they want to share
8 with the Board?

9 Mr. Hodgkins.

10 VICE-PRESIDENT HODGKINS: Back in February I
11 attended a levee safety conference in St. Louis. And it
12 was an interesting conference. I think rather than try
13 and describe to you what took place at the conference and
14 what was discussed, what I would prefer to do is prepare a
15 little -- a written summary. Because in effect part of
16 the conference was polling in a way the 500 people who
17 attended on various matters related either to FEMA and the
18 Corps and their approach to flood management. And so I
19 think without giving you the questions that were put up
20 for discussions and the results -- the summary of the
21 audience responses, it's a bit misleading.

22 One of the things I will say about the conference
23 was it was hard to understand exactly what the purpose of
24 the conference was. I mean it was good discussion. There
25 were some great papers presented by some of the leaders:

1 General Galloway; a fella who used to be an attorney for
2 FEMA who now is working for Michael Baker. Really good
3 presentations. A discussion by the Corps of the Levee
4 Safety Act, I believe it's called.

5 But the overall focus and sort of the discussion
6 and polling of people who were there is pretty difficult
7 to understand.

8 I do think that one thing that it is probably
9 important to at least think about is the definition of
10 flood risk now is the product, if you will, of the
11 probability of the event happening, and the damages or the
12 results from the event. Now, maybe it's always been that
13 way. But for me it has primarily been focused on the
14 probability of the event happening, which is the 100-,
15 200-year flood protection kind of thing.

16 When you begin to incorporate the damages in
17 here, what that does is significantly expand the areas
18 that are important to flood management and reducing
19 damages, because it gets into areas like floodplain
20 management, land-use decision making, emergency response,
21 and those kinds of areas. And it's going to be
22 interesting to see how that kind of a definition fits
23 into, for instance, the strategic plan for FloodSAFE that
24 we saw today. But I will provide you some more
25 information in my written summary.

1 Now, I don't want to make paper copies here, so I
2 probably will do it electronically. That raises the
3 question of -- I guess if I send a copy to Lorraine, and
4 you post it on the website, that takes care of making it
5 available to the public?

6 LEGAL COUNSEL CAHILL: (Nods head.)

7 VICE-PRESIDENT HODGKINS: Okay. Very good.
8 That's what I will do.

9 It may or may not be worth the time digging
10 through it. If you're curious about what other people are
11 thinking about and concerned about, it's worth going
12 through.

13 BOARD MEMBER RIE: Quick question?

14 VICE-PRESIDENT HODGKINS: Yes.

15 BOARD MEMBER RIE: Who has a new definition? Is
16 that FEMA's coming out with a new definition?

17 VICE-PRESIDENT HODGKINS: This is
18 everybody -- wait a minute.

19 Let's start with General Galloway, okay. And as
20 near as I could tell, the concept is one that is
21 wholeheartedly subscribed to and embraced by the Corps of
22 Engineers and FEMA.

23 And part of the subject of the conference was
24 this whole federal initiative to get the Corps and FEMA
25 working together. FEMA is really only concerned with

1 urban levees that provide about a hundred-year level of
2 flood protection or greater. The Corps is concerned with
3 a much broader spectrum of levees. But the idea is to get
4 the two of them working together and using the same kinds
5 of techniques and definitions so that there's consistency
6 in what the federal government does.

7 Now, it's a little scary in some ways. Because
8 there's this technique the Corps has called the risk and
9 uncertainty, where in effect they use a computer model to
10 analyze based on staff's definitions the overall
11 probability of the storm of a given size occurring, which
12 is typical hydrology. But then they add into that a
13 statistical representation of the uncertainty of the
14 geotechnical properties of the levee, a statistical
15 definition of the probability that the roughness of the
16 channel, which affects how deep the water is, will be
17 different than what they have assumed it is, and the
18 probability that the system may not be operated exactly
19 the way it was designed and/or that natural events may
20 occur differently than they were assumed to occur. It's a
21 very scary tool because it produces statements like
22 there's a 90 percent chance you can safely pass a
23 hundred-year flood and a 65 percent chance you can pass a
24 two-hundred-year flood. And that's based on a bunch of
25 uncertainties that prior to using risk and uncertainty,

1 which the Corps's had in its arsenal since 1996, we didn't
2 deal with any of the uncertainties other than the
3 hydrologic uncertainty. And so this is a change, in my
4 opinion, in the standard that we are using.

5 Now, the Corps was saying that they have studies
6 that show when you analyze projects under risk and
7 uncertainty, they're not significantly different than when
8 you do it the old way. The experience around here is
9 50-50. I mean the American River when you do it by risk
10 and uncertainty the 200-year flood is bigger than the
11 spillway-designed flood. It's a huge flood. When you get
12 on to the Sacramento it's not so bad.

13 So it's an issue that keeps coming up. There was
14 a big meeting in Davis trying to get to an agreement
15 between the state and the Corps on how we use risk and
16 uncertainty. It's probably going to become part of the
17 requirements for 408. So you'll hear more about it. And
18 it won't make any more sense when somebody else explains
19 it.

20 (Laughter.)

21 PRESIDENT CARTER: Thank you, Butch.

22 Anything else to report?

23 SECRETARY DOHERTY: Yeah. I went to Folsom to
24 the Rotary, which I enjoyed very much, and gave them a
25 talk on the Folsom Dam. And the biggest surprise to me --

1 and I want to thank the staff for sending me the
2 information I requested -- was that they didn't realize
3 they have Folsom Dam but it's all part of the system.
4 "Oh, what they release from Shasta and what they release
5 from Oroville and what they release from Folsom are all
6 something," you know. And that surprised me. They were
7 just thinking it's Folsom Dam, that's it. So that came as
8 a surprise to me.

9 But thank you, staff.

10 PRESIDENT CARTER: Okay. Mr. Brown.

11 BOARD MEMBER BROWN: Yes, Mr. Chairman. I had
12 two other meetings I forgot. Mr. Ken Payne requested a
13 meeting with me on the 16th of this month. He's with the
14 Auburn Dam Council. And I expect that they're going to
15 ask me to address the Auburn Dam Council on the California
16 water issues, supply and flood control, as it may affect
17 Auburn Dam and the possible future status of that, if any.

18 And a follow-up to that meeting was with Brenda
19 Washington the next day, who is a local attorney in the
20 area, who was formerly with the California Farm Bureau and
21 is now working on her own with a new firm on the same
22 issue.

23 Should I have the opportunity to present that
24 presentation and talk on the Auburn Dam, I'm kind of
25 anxious to hear it myself.

1 (Laughter.)

2 PRESIDENT CARTER: Okay. Anything else?

3 Very good.

4 Let's take a five-minute recess. And then let's
5 spend some time on Item No. 18 on the closed session, see
6 if we can knock that out before our next item, which is
7 due to come before us at 3:15, Item 13.

8 Okay. So what we'd like to do is excuse
9 everyone, take a break until 3:15. And the Board will
10 work on the closed session item.

11 (Thereupon a recess was taken.)

12 (Thereupon the meeting recessed
13 into closed session.)

14 PRESIDENT CARTER: Okay, ladies and gentlemen.
15 Thank you for your patience.

16 Let the record reflect that the Board did meet in
17 closed session as agendized under Item 18. The Board
18 recessed and continued that discussion. We will continue
19 that at the conclusion of today's meeting later on this
20 afternoon.

21 So at this time, we will go ahead and start with
22 Item 13, City of Sacramento Docks Area Riverfront
23 Promenade Design.

24 Mr. Hester.

25 Mr. Punia, do you have something to add?

1 EXECUTIVE OFFICER PUNIA: Yeah. Gary, before we
2 start, there were a lot of city folks outside. We want to
3 let them know that we are starting and so that they can
4 join us here too.

5 PRESIDENT CARTER: We're starting right on time.

6 CHIEF ENGINEER HESTER: Good afternoon. Gary
7 Hester, the Chief Engineer.

8 I would like to introduce Leslie Fritzsche. She
9 is the Downtown Division Manager for the City of
10 Sacramento. And while the city staff and the consulting
11 team is filing in, I will allow Leslie to make some
12 introductions.

13 MS. FRITZSCHE: Good afternoon, ladies and
14 gentlemen. Per usual, the podium is a little bit higher
15 than I am. So I will try and stand on my tiptoes and you
16 can see me as I'm giving my introductory remarks.

17 As introduced, I work here for the City of
18 Sacramento in the Economic Development Department, and I'm
19 in charge of downtown development and downtown
20 redevelopment activities.

21 And we're here today with our consultants, Mike
22 Zilis from Walker Macy and Ken Rood from NHC to present an
23 overview of the Docks projects, both the Promenade
24 project and the Development project. This presentation is
25 provided to you in advance of our permit application. And

1 we anticipate providing an application to you in June for
2 the Promenade.

3 I want to give you an overview of the
4 Docks-specific plan project to provide context to you to
5 help understand the development as we're contemplating the
6 area adjacent to the Promenade.

7 (Thereupon an overhead presentation was
8 Presented as follows.)

9 MS. FRITZSCHE: For those of you who are
10 unfamiliar with the site, the Docks area is located north
11 of the I-80/50 corridor west of I-5, and contains
12 approximately 30 acres of land.

13 The Docks Promenade will extend from O Street,
14 where it exists today, next to Embassy Suites, and will
15 extend down to Miller Park. The Promenade will contain
16 about 14 acres of parks and public facilities.

17 Both projects will be developed in phases, which
18 we'll talk about in a minute.

19 The initial study and mitigated Neg Dec for the
20 Promenade was circulated for public review in February.
21 And the public review period has ended, and we anticipate
22 adopting mitigation plans and a monitoring plan along with
23 final design for Phase 1 in August of 2008.

24 The adoption of the Docks-specific plan will
25 represent the final planning phase of the Sacramento

1 Riverfront Master Plan, which identified the Docks area as
2 an opportunity site and one of the few opportunities on
3 this side of the Sacramento for development along the
4 river.

5 The master plan sets forth the following
6 objectives for the Docks area: To create a new high
7 density pedestrian-oriented riverfront neighborhood; to
8 strengthen the riverfront promenade connections; and to
9 revitalize an under-utilized part of our waterfront into
10 an area that generates jobs and transforms the waterfront
11 into a place where many can live, work, dine, shop and of
12 course, as we're looking forward to the weekend, play.

13 We hope to animate the waterfront and create
14 linkages to adjacent neighborhoods and to West Sacramento.
15 There are very few sites in Sacramento where we can have
16 development opportunities along the river.

17 --o0o--

18 MS. FRITZSCHE: The site has several constraints
19 that were considered in part of the design. Pioneer
20 Reservoir, which is just adjacent to the freeway, is part
21 of the city's combined sewer and storm drain system. The
22 city will be making a decision whether to keep the Pioneer
23 Reservoir in place and cap it or to relocate it to another
24 area of downtown.

25 There's a PG&E gas lamp facility -- perhaps I

1 should back up. As part of the -- let me -- there's a
2 PG&E facility right in the center. That used to be an old
3 gas lamp plant. And it's been capped, and there's a
4 monitoring plan that's been established.

5 The excursion train that goes from old Sacramento
6 down the river is along the waterfront in that area. And
7 we've been working very closely with State Parks to
8 consolidate that into a main line so that we can begin
9 development and begin the Promenade.

10 A major component of this plan is to strengthen
11 the levee and to provide mitigation for the contamination
12 issues, and to allow for views of the river by adding fill
13 to the site from the levee to Front Street.

14 The draft specific plan, which I mentioned,
15 related to the development is available for public review
16 on our website, WWW dot City of Sacramento dot Org. And
17 I'd kind of like to outline some of the elements of the
18 specific plan.

19 First, it really talks about developing a vibrant
20 mixed-use neighborhood, with about 1155 residential units,
21 including town homes, mid-rise and high-rise development;
22 about 500,000 square feet of offices; four acres of open
23 space; and 40,000, give or take, commercial uses to
24 support the residential development.

25 We do anticipate continuing the grid pattern from

1 downtown to correct -- to make sure there's direct
2 pedestrian-vehicular access to the waterfront. There will
3 be linkages to adjacent downtown neighborhoods, like south
4 Sacramento, Broadway, Old Sac, and hopefully in the future
5 to West Sac.

6 It's our intent that both the Promenade and
7 Docks-specific plan projects will be phased to coincide
8 with funding, and that separate permits for each phase
9 will be obtained from your Board.

10 The development of the specific plan and the
11 Promenade will occur in phases from north to south:

12 Phase 1 from R Street to T Street; Phrase 2 from
13 T Street to U; Phase 3, U to V; and final phase, V Street
14 to W street. And the last phase is a stand-alone
15 component depending upon how our market conditions survive
16 and how they can support office development.

17 The next steps for our project is:

18 To get a decision about Pioneer Reservoir. That
19 really dictates what our footprint is in the development
20 opportunities for the entire site.

21 To develop a financing plan.

22 To proceed with an environmental documentation
23 for the development side.

24 And to come forward to your Board for a permit
25 application. We do anticipate submitting a permit for the

1 Promenade in June of this year, and hope to have a
2 construction schedule that begins in 2009.

3 We have been working in very close cooperation
4 with the Army Corps and with SAFCA. And there's
5 representatives from SAFCA that would like to add a few
6 words as we go forward with our presentation.

7 I think it's Pete.

8 MR. GHELFI: Good afternoon again. Pete Ghelfi,
9 Director of Engineering for SAFCA. I'd like to at least
10 offer our words of support on this project. We have been
11 working closely with the city on this, so this does not
12 catch us as a surprise. We have been working with them
13 about our needs for flood protection along the river, and
14 that their project needs to incorporate our requirements.

15 We've also talked to them about providing
16 200-year level of protection; and whatever they have
17 proposed, to incorporate that feature with the new urban
18 levee standards that we are developing with the state.
19 But, also, that whatever they propose can be expanded to
20 meet whatever the 200-year water surface is in the
21 Sacramento River with the appropriate freeboard.

22 In addition, as you may be aware, that there is a
23 common features general reevaluation report that is being
24 prepared by the Corps of Engineers in partnership with the
25 State of California and SAFCA. And this stretch is going

1 to be included into that general reevaluation report. And
2 so anything that they will be doing will be done
3 consistent with what we're finding out of that study.

4 So we have an open line of communication with the
5 city. We plan to continue to push forward our thoughts
6 and our concerns with this development. They are
7 incorporating those into their options. And I just want
8 to say that this is not being done in the dark from a
9 flood control standpoint.

10 Thank you.

11 PRESIDENT CARTER: Thank you.

12 MS. FRITZSCHE: And then to continue on with a
13 little bit more of the specifics, I'd like to introduce
14 Ken Rood, who will walk you through some of the parameters
15 of the Promenade.

16 MR. ROOD: Thank you and good afternoon. I'm Ken
17 Rood, Northwest Hydraulic Consultants. And the portion
18 I'm going to talk about right now is just the relation of
19 the existing conditions and for this proposed work on the
20 Promenade to the flood protection in the area.

21 I'll just keep this same slide up, just to give
22 you an idea of where we're talking about.

23 But the section that I'm going to consider goes
24 from O Street all the way down and kind of underneath the
25 Pioneer Bridge and into Miller Park. It's about roughly

1 5,000 feet of the federal project levee through there.

2 And the levee itself right now through most of that sits
3 very close to on top of the bank. Though as you go
4 further down and underneath the bridge it starts to pull
5 away from the bank as you get close to Miller Park.

6 The levee's been there a long time. If you look
7 at the old maps, from 1908 there was certainly a levee
8 there then. And right at the top end of the section we're
9 looking at, about the upper 1,000 feet or so, is a
10 concrete wall that's part of the flood protection system
11 there right now.

12 Do I just push one of these buttons?

13 --oOo--

14 MR. ROOD: So just what the project has done, is
15 they've done new surveys and surveyed the top of the levee
16 from O street essentially down underneath the bridge. And
17 this drawing here is very hard to see, but the top end of
18 it starts up at O Street and then kind of carries down.

19 And what I guess is of interest here is that in
20 the section where the wall is the typical ground
21 elevations behind the wall, they're about 32 or 33 feet,
22 and then further down the ground elevations rise up over
23 about 36 1/2 feet. These are significant. Right now
24 we're looking at the -- for here for the design water
25 levels, the 1957 water level would be about 34 feet

1 roughly with the freeboard included. And the 200-year
2 water level that we'd be -- is looking at right now, but
3 may or may not be the one that's used in the future, it
4 would be about 36 1/2 feet.

5 --o0o--

6 MR. ROOD: This is just showing a section through
7 the wall here. And what we have is ground levels around
8 about 32 1/2 feet. And the top of the wall is about 2 1/2
9 feet higher than that. So the flood protection from the
10 wall is to about 35 feet over the '57 design plane, less
11 than what people think is probably the 100-year -- or the
12 200-year water surface right now. So the design will
13 eventually need to be done in such a way that it could
14 accommodate increased flood protection in this area.

15 --o0o--

16 MR. ROOD: This just shows the -- again down
17 through the lower half of the project, extending from
18 about T Street down into Miller Park. And through here
19 the ground elevations are all pretty much over 36 1/2
20 feet. So right now the existing top of levee, or the
21 highest point on the levee crown, is higher than what we
22 think the 200-year water level plus freeboard is.

23 --o0o--

24 MR. ROOD: And this is just again a bit of an
25 example from one of the sections right around V Street,

1 showing that the elevations of the crown are right about
2 37 -- just a little over 37 feet, about a half a foot
3 higher than the 200-year water level plus freeboard.

4 --o0o--

5 MR. ROOD: This is again a plan. And I just
6 marked on here two sections, A and B, because we'll talk
7 now -- instead of talking about the elevations along the
8 levee, we'll spend a few minutes and just talk about a
9 cross section here.

10 The Section A is near the kind of narrowest point
11 of the area that's being developed right now. And the
12 next presentation will talk about that a bit more. B is
13 just an area that's further downstream that was just
14 chosen as being fairly typical.

15 --o0o--

16 MR. ROOD: This is the cross section at A. And
17 what it shows is the concrete wall, you know, the existing
18 railway tracks, and the front street behind that and a
19 freeway ramp. Right now it shows the wall slightly higher
20 than the 1957 design plane. And then the elevation's
21 dropping in behind that.

22 --o0o--

23 MR. ROOD: This just shows the 200-year water
24 level. And it sits about a foot and a half higher than
25 the top of the wall.

1 So the plan I think -- and this will be discussed
2 a bit more later -- is to raise ground levels behind the
3 wall up to about the elevation of the top of the wall.
4 But it will still leave about a foot and a half to reach
5 the 200-year water level. And Mike will talk a little bit
6 about how they're going to accommodate that in his
7 presentation on the design.

8 --o0o--

9 MR. ROOD: This is just the section that's
10 further downstream. And I think we mentioned here these
11 ground elevations, which are about where the railway
12 tracks are, are already over the 200-year water level.

13 The Promenade is planned for where the existing
14 bike trail is right now. And the elevations there are a
15 little bit lower. So on the very -- if you like, the
16 waterside of the crown of the levee, that area will
17 probably be raised as part of the Promenade, smoothed out
18 and leveled.

19 Right now the slope here is a little steeper than
20 3 to 1. It's closer to 2 to 1. Along much of this
21 section there is a revetment right now. Some of it's
22 rock, some of its concrete rubble protecting the bank.

23 And there are also -- and it's shown here --
24 there are existing trees down around the high water level.
25 Those would be left as part of the project.

1 There's also a plan for putting some trees for
2 shade along the Promenade on top of the levee. And these
3 ones would be above the elevation of the 200-year water
4 level.

5 --o0o--

6 MR. ROOD: This just shows the longer term idea
7 here at this same site. The Promenade is developed. The
8 rail line is still in place. And that part of the
9 long-term development when that occurs, there's going to
10 be a fill that will sit behind the levee, starting -- the
11 fill will be up about the 200-year water level and then
12 slope backwards towards Front Street.

13 --o0o--

14 MR. ROOD: And I shall pass it on to Mike now.

15 MR. ZILIS: Good afternoon. I am Mike Zilis with
16 Walker & Macy. We're leading the design team through the
17 effort of designing the Promenade. As Leslie indicated,
18 there are two parallel projects underway. Our project is
19 building the Promenade improvements along the waterfront.
20 There's a second project which is planning the development
21 behind the levee.

22 What we'd like to do is briefly walk you through
23 our proposal and then come back to the first two phases of
24 our project. As Leslie indicated, we'd like to submit
25 permits for those first two phases in June of this year.

1 So it would be the northern portions of our project.

2 We also would like to focus your attention on a
3 couple of questions that we have, first of all, related to
4 the phasing of the permit; this issue of accommodating
5 future flood elevations, which we know will be coming; and
6 in the northern area, our engineering solution for
7 providing not only the walkway but the flood fighting
8 component.

9 So the overall project you see on the screen
10 right now goes from O street on the right side, under the
11 Pioneer Bridge, to Miller Park on the left side of the
12 screen downstream.

13 --o0o--

14 MR. ZILIS: And what I'd like to do now is focus
15 as we walk down the proposal and describe the
16 improvements.

17 The concept is to extend the existing Promenade,
18 which exists in front of the Embassy Suites, south,
19 providing pedestrian and bicycle access along the edge of
20 the river, and also adding flood fighting protection,
21 thereby building it to accommodate emergency flood
22 fighting and other vehicles.

23 There's a historic rail that is along that area.
24 It extends through the whole project. That will still
25 continue to operate behind the Promenade. Some of the

1 rail will be adjusted to accommodate the walkway. And
2 then further to the east is Front Avenue. It's the white
3 area below that Ken just mentioned.

4 --o0o--

5 MR. ZILIS: This is a photograph of the flood
6 wall. We're looking downstream. The flood wall's been
7 there since the early 1900s. The Corps did some work in
8 '96, both tiebacks and other structural work to it. And
9 this is the area that we'll come back to in a moment to
10 talk about the first phase of construction.

11 --o0o--

12 MR. ZILIS: The basic concept is to provide a
13 broad walkway that's available for pedestrians and
14 bicycles, and is also available for flood fighting as well
15 as emergency vehicles. The concept being a broad walkway.
16 In this area it would be 15-feet wide clear with
17 occasional overlooks.

18 --o0o--

19 MR. ZILIS: Further down the walkway will get
20 broader as we have more available room, and it will go to
21 a 17 1/2 foot wide clear zone.

22 I should also mention that there are regular
23 intervals whereby maintenance and flood fight vehicles can
24 come to the Promenade at that future block grid that
25 Leslie mentioned.

1 --o0o--

2 MR. ZILIS: Further downstream there is a
3 proposal, which I believe many of you have been -- you've
4 seen in the master plan, is a future pedestrian bridge
5 that will connect Sacramento to West Sacramento. We will
6 accommodate that. We're not building it now, nor are we
7 building the infrastructure for it. But we are providing
8 room for it.

9 Also, in the future there could be potential
10 piers and docks extending the people's connection to the
11 river, but will not be part of our proposal today.

12 --o0o--

13 MR. ZILIS: This is a view of an overlook.

14 --o0o--

15 MR. ZILIS: Further down, as Ken mentioned, the
16 flood wall ends and we have a sloped bank with the
17 existing bike trail -- the location of the bike trails
18 where we're proposing the new Promenade.

19 --o0o--

20 MR. ZILIS: You can see it in plan view here.
21 The Promenade continues at 17 1/2 feet wide clear. And
22 once we get adjacent to the future development area, there
23 is a proposed frontage road and buildings.

24 --o0o--

25 MR. ZILIS: A cross section through that area

1 shows the Promenade on the left. The grade is rising as
2 we move south. So we're up near and above the 200-year --
3 potential 200-year elevation. The train continues
4 through, a frontage road, and buildings beyond. And,
5 again, I should mention that that frontage road and the
6 buildings are part of future discussion application.

7 --o0o--

8 MR. ZILIS: Moving further south, the plan
9 continues along the top of bank.

10 --o0o--

11 MR. ZILIS: Until we reach an area downstream of
12 the Pioneer Bridge whereby the levee pulls away from the
13 edge of the river and we have a broad lowland area that
14 gently slopes to the river. We'd like to use this for
15 recreation. And it also provides flood storage.

16 --o0o--

17 MR. ZILIS: The area in this diagram, that angle
18 on the right side of the screen is the Pioneer Bridge.
19 Crossing under it the Promenade pulls away from the levee
20 top, which is indicated by the rail line there, and moves
21 through the lowland park to a future and improved
22 connection to Miller Park on the south.

23 --o0o--

24 MR. ZILIS: This is a cross section through that
25 area. The top of -- the flood protection is where the

1 train is. It's about 37. The Promenade when it's
2 adjacent to it would be close to that elevation, about 36.
3 And then the lowland park could be available for
4 recreation in the summer.

5 --o0o--

6 MR. ZILIS: So that's the overall scheme from O
7 Street to Miller Park. Now, what I'd like to do is focus
8 on the first phases, which is the -- which are the areas
9 that we propose -- will be proposing in our application.

10 --o0o--

11 MR. ZILIS: At O Street to R Street, we refer to
12 it as the pinch point. It's the area where we're trying
13 to accommodate a variety of circulation for the
14 pedestrians, bicyclists, train, and automobiles. And it's
15 an area where the flood wall exists.

16 --o0o--

17 MR. ZILIS: On the plan you see there, we have a
18 zone in orange which indicates the area of Front Avenue,
19 which will be modified; the blue being the railway; and
20 the green indicating the walkway. We're proposing to
21 extend the walkway to the river side of the wall. And we
22 have two potential options for that.

23 --o0o--

24 MR. ZILIS: One would be a cantilevered walk,
25 thereby creating 15 feet of clear zone, a cantilever being

1 an extended zone in front of the wall. It would be
2 structured for emergency vehicles, flood fighting
3 vehicles, so that it could be readily available for those
4 uses. But it primarily will provide pedestrian and
5 bicycle circulation.

6 --o0o--

7 MR. ZILIS: In the future when the flood
8 elevation protection rises, we will be able to retrofit
9 the system in the area that's indicated with the red dash
10 next to the edge of the walkway. As Ken indicated, it's
11 about an 18-inch rise right now from what we understand
12 about where the future 200-year protection would be. So
13 it would be retrofitted -- could be retrofitted in the
14 future.

15 --o0o--

16 MR. ZILIS: Another option which provide
17 additional support for that would be a pile-supported
18 walkway rather than a cantilevered system. That system
19 would also be able to be retrofitted in the future as
20 flood protection levels increase.

21 --o0o--

22 MR. ZILIS: Further downstream where we have the
23 Promenade on grade downstream of the flood wall, we also
24 have an interesting condition whereby the railroad is
25 actually the high point or the crest of the levee. It's

1 about 36 1/2. And as Ken indicated, that's where we're
2 understanding the potential 200-year protection may be in
3 the future.

4 What we propose is to level out the Promenade,
5 which would on the river side of that, to the same
6 elevation, thereby providing flood protection -- or flood
7 fighting access, paved access right at the edge of the
8 river, at a slightly higher elevation than it is today.
9 It's more of a leveling system than it is a major fill.

10 The fill behind the levee on the right side of
11 the screen would be brought in as part of the development
12 project.

13 --o0o--

14 MR. ZILIS: And that again 200-year protection
15 would be provided.

16 --o0o--

17 MR. ZILIS: So that is our proposal. We would --
18 our plan is to work with staff both from this Board as
19 well as with the Corps. We have been in consultation with
20 the Corps. And we will ideally be bringing in an
21 application in June. And the city looks forward to
22 construction as early as next year.

23 So with that, we'd like to discuss it with you.

24 Thank you.

25 SECRETARY DOHERTY: Mr. Chairman?

1 I have a question for you, sir.

2 You are putting fill-in on this side of the levee
3 to a certain elevation. What is going to be the elevation
4 on the other side of the river? Do you know that?
5 Because they're also putting in a Promenade.

6 MR. ZILIS: The existing grade over there is --
7 well, again, it's an averaging. I believe it's about 35
8 today. From what I understand, they're also planning on
9 the ability to increase flood protection on that side in
10 the future.

11 SECRETARY DOHERTY: All right. Thank you.

12 And so what's your final elevation planning on?

13 MR. ZILIS: Well, it adjusts. Along the flood
14 wall, if we build the cantilever to the top of wall, the
15 average is about 35 today. And then we propose to just
16 follow the grade -- our grade rises as it moves south and
17 it goes up to 37 today. And we would follow that grade.
18 The leveling I talked about is just a matter of extending
19 the existing height in front of the railroad.

20 BOARD MEMBER RIE: Question.

21 On your diagrams it shows rail right of way.
22 Does the railroad own that 20 feet?

23 MR. ZILIS: Yes.

24 BOARD MEMBER RIE: They do own --

25 MR. ZILIS: Right now it's State Lands -- or

1 State Parks own quite a bit of property. Leslie might be
2 able to add some more detail to it. But, yes, it is under
3 state ownership.

4 BOARD MEMBER RIE: Not state ownership. Railroad
5 ownership.

6 MR. ZILIS: No, state ownership. State Parks
7 operate the railroad.

8 VICE-PRESIDENT HODGKINS: Yeah, this is a skunk
9 train.

10 BOARD MEMBER RIE: Okay. So this is --

11 MR. ZILIS: Oh, I'm sorry. Yeah, this is
12 strictly an excursion train.

13 BOARD MEMBER RIE: This isn't a Southern Pacific
14 right of way or anything like that?

15 MR. ZILIS: No, no, no. I'm sorry. No, it's an
16 excursion train that runs for the tourists in the summer.
17 It runs I think April through October. It's operated by
18 State Parks. And they start in old Sacramento and go
19 along this riverfront, down I-5 essentially, and stop and
20 come back.

21 BOARD MEMBER RIE: Does it go really slow?

22 MR. ZILIS: Very slow, very slow.

23 BOARD MEMBER RIE: Okay.

24 MR. ZILIS: And we're working with the PUC also
25 in our crossing design to ensure the safety of pedestrians

1 and others.

2 BOARD MEMBER RIE: Okay.

3 BOARD MEMBER SUAREZ: Mr. President?

4 PRESIDENT CARTER: Ms. Suarez.

5 BOARD MEMBER SUAREZ: Thank you.

6 I have a couple of questions.

7 You mentioned that you would be bringing an
8 application before this Board in June -- as early as June
9 of this year --

10 MR. ZILIS: Um-hmm.

11 BOARD MEMBER SUAREZ: -- for part 1 or --

12 MR. ZILIS: For the first two phases of the
13 Promenade.

14 BOARD MEMBER SUAREZ: Okay. The 1 and 2?

15 MR. ZILIS: Just the 1 and 2. And just the
16 Promenade, not the development.

17 BOARD MEMBER SUAREZ: And do you have an
18 environmental document for the whole project or just for
19 those sections?

20 MR. ZILIS: Yes, there's an environmental
21 document that is underway for the entire project.

22 BOARD MEMBER SUAREZ: For the entire project. So
23 when you come before us in two months, you're going to
24 have that environmental documentation?

25 MR. ZILIS: Yes.

1 BOARD MEMBER SUAREZ: And it won't -- it will be
2 for the impact of the whole project --

3 MR. ZILIS: That's -- I believe that's correct.

4 BOARD MEMBER SUAREZ: -- on the environment?

5 MR. ZILIS: Greg, is that -- Leslie?

6 MS. FRITZSCHE: For the Promenade we have
7 completed the environmental work. We do anticipate that
8 that will go forward for approval in July the, mitigated
9 Neg Dec.

10 For the entire development project, which I
11 outlined, we're in the process of an EIR now. And we do
12 anticipate that being approved by the end of July or into
13 August as well.

14 BOARD MEMBER SUAREZ: Because the question I
15 asked is -- and I offer as just some information -- is
16 that we increasingly hear from the public, they raise
17 concerns of us approving projects in a piecemeal fashion.

18 MS. FRITZSCHE: Right.

19 BOARD MEMBER SUAREZ: And certainly I'm not
20 suggesting this is piecemeal, as in CEQA, big words and
21 get everybody nervous. But we will be asked, I'm sure, to
22 consider one approval as it relates to everything else
23 that's occurring out there. So I would hope that when you
24 come to us in a couple of months, that's something that
25 you can address.

1 MS. FRITZSCHE: We'll be very sensitive to that,
2 yes.

3 BOARD MEMBER SUAREZ: Okay. Thank you.

4 PRESIDENT CARTER: Any other questions?

5 VICE-PRESIDENT HODGKINS: Who's the local
6 maintaining agency here?

7 SENIOR ENGINEER BUTLER: The city.

8 MR. ZILIS: The City of Sacramento.

9 VICE-PRESIDENT HODGKINS: The City of Sacramento?

10 SENIOR ENGINEER BUTLER: Correct.

11 VICE-PRESIDENT HODGKINS: Okay. And when the
12 development in the gray area goes in, are those buildings
13 likely to go below grade significantly. Are they going to
14 have underground parking or basements?

15 MR. ZILIS: I would say that's likely. Is there
16 a specific plan for the depth?

17 MS. FRITZSCHE: The plan as it's envisioned now
18 actually -- I hope that I can explain it so it's clear.
19 We are looking at fill that's provided from the existing
20 levee down to Front Street. So there will be -- what's
21 envisioned is that level would be parking, and then the
22 residential or the office above that. So it will be as
23 part of the fill that's provided for the project.

24 VICE-PRESIDENT HODGKINS: Okay. So you're not
25 talking about basement parking, whatever, below existing

1 grade?

2 MS. FRITZSCHE: Right, that's correct.

3 VICE-PRESIDENT HODGKINS: Okay.

4 MS. FRITZSCHE: Yeah, we're not envisioning
5 making a hole or going deeper than existing.

6 VICE-PRESIDENT HODGKINS: That's fine.

7 BOARD MEMBER RIE: Your first permit, what is
8 that going to include?

9 MS. FRITZSCHE: The first permits are the
10 Promenade. It goes from O -- get my letter right -- to
11 T -- O to T Street. And then the next phase is from T to
12 V.

13 BOARD MEMBER RIE: Is it to actually construct
14 the Promenade?

15 MS. FRITZSCHE: It is to construct the Promenade,
16 yes.

17 BOARD MEMBER RIE: Okay. So just the trail part
18 of it or --

19 MS. FRITZSCHE: Just the trail part of it. The
20 Promenade and parkway, yes. That's what we're considering
21 to be Phase 1 and Phase 2 of our project.

22 BOARD MEMBER RIE: Are you adding new walls? Are
23 you going to be asking for permits for new flood walls --

24 MS. FRITZSCHE: Do you want to speak to that or
25 not?

1 BOARD MEMBER RIE: -- or cantilever --

2 MR. ZILIS: Yes, presently that is one of our
3 questions. The cantilevers that we showed a moment ago --
4 see if I can bring that up.

5 This system is likely going to be the approach
6 that we'll take, which will be a cantilevered portion in
7 the pinch point, about 700 feet of it. It's about a
8 four-foot cantilever in front of the wall.

9 The rest of the system would be on grade up on
10 the levee.

11 BOARD MEMBER RIE: Okay.

12 BOARD MEMBER SUAREZ: So that's your preferred
13 alternative?

14 MR. ZILIS: That's the one we're looking at right
15 now, yeah, yeah. There's a lot of engineering obviously
16 that -- or discussion about engineering that has to occur
17 with the Army Corps based on the wall and tiebacks and
18 that sort of thing. So we're trying to come up with the
19 best solution for everyone involved.

20 PRESIDENT CARTER: Any other questions?

21 One general comment or word of caution. In terms
22 of -- I see in the existing pictures and the existing
23 situation there's lots of vegetation along the levee slope
24 and whatnot. You may or may not be aware of the Corps's
25 policy on vegetation, and that's somewhat in flux. You

1 need to be sure that you coordinate with them and be sure
2 that any landscaping plans certainly allow for appropriate
3 inspection, maintenance, flood fighting for that section
4 of the project.

5 It appears to me that much of this vegetation is
6 probably not going to be acceptable to the Corps. Some of
7 it will be. But you certainly need to touch bases with
8 them.

9 MR. ZILIS: Yes, and I -- we're fully aware of
10 that. We have had a number of -- this project's been
11 going on for a while. We've had a number of conversations
12 as the guidelines have changed. So we plan on having a
13 definitive conversation with them soon.

14 PRESIDENT CARTER: Okay. Good.

15 VICE-PRESIDENT HODGKINS: One other thing to at
16 least think about from my viewpoint: When you're
17 constructing the kinds of facilities that you're going to
18 be constructing here that in effect are -- I haven't
19 figured it out for sure -- but are right over what may be
20 the critical element for flood protection in terms of a
21 levee, the Board might want to ask the city to agree if at
22 any point it becomes from a flood control standpoint
23 necessary to move or reconstruct those facilities, that
24 the city would agree to do that at its own expense.

25 MR. ZILIS: Moved to reconstruct based on flood

1 elevation or --

2 VICE-PRESIDENT HODGKINS: Yeah, yeah. I think
3 the idea that we know what the flood elevation is going to
4 be forever here is, as you can see just by looking at the
5 difference between '57 and today, naive. And it will
6 change at some point in the future. Maybe it will go
7 down, maybe it'll go up. I don't know. But when you
8 start to encumber it where there's a loss of flexibility
9 and potential additional costs there, that's of concern I
10 think to the state. And so that could be an issue.

11 MR. ZILIS: And I'm glad you bring that up,
12 because that was one of our questions and the reason we
13 show these sections where we're anticipating the potential
14 height, which we don't know right now.

15 What's your opinion of, for example, the slide
16 that's up right now where we have the cantilever at 35,
17 with the ability to build a flood wall or some other flood
18 device to give us the additional freeboard? Is that in
19 part of your thinking or --

20 VICE-PRESIDENT HODGKINS: You know, I'm the
21 engineer who believes, you know, given money you can do
22 anything. So I'm not sure I would, you know, fall on my
23 sword over the nature of the design as long as I'm
24 confident that if and when the need comes to alter this,
25 we can get it done. Okay?

1 MR. ZILIS: Okay. That was our intent, so I
2 wanted to understand that.

3 Thank you.

4 VICE-PRESIDENT HODGKINS: I'm not crazy about the
5 cantilever. But it's just because I've not seen it
6 proposed before now. And I think of it as earth
7 embankment, and it's not. It's concrete.

8 I am also curious. Pete, you said there's a GRR
9 going forward here?

10 What's the timing of the GRR with respect to the
11 Corps's assessment of the facilities in this area and the
12 city's plan?

13 MR. GHELFI: The joint -- the cost-shared GRR is
14 scheduled to go in front of Congress in 2010. This
15 project obviously is trying to move faster than that.
16 But, you know, like I said, we are keeping them plugged
17 into the process and they're keeping us plugged in.

18 I think within the Corps there's two branches,
19 the folks that do the planning that I'm working with and
20 the folks that do the permitting that they're working
21 with. But we will encourage them to discuss how this ties
22 in with the GRR efforts.

23 VICE-PRESIDENT HODGKINS: Yeah, okay. Because
24 I'm not sure what the conclusion is going to be about the
25 need to reconstruct any of that existing wall. And I do

1 think -- from my standpoint at least, before you come back
2 for a permit, maybe a week or two before if we could
3 schedule a walk-through to refresh in my memory what that
4 area looks like. I haven't walked down it for a while.

5 MR. ZILIS: Sure. We'd be happy to. Absolutely.

6 PRESIDENT CARTER: Any other questions?

7 Okay. Thank you very much.

8 MR. ZILIS: Yeah, thank you very much. I
9 appreciate it.

10 PRESIDENT CARTER: Mr. Hester, did you have
11 anything else you wanted to add?

12 CHIEF ENGINEER HESTER: Only the question about
13 the levee maintaining agency being the City of Sacramento.
14 That is a key here, that the city staff that is actually
15 responsible for flood fight and maintenance has been
16 engaged in this process. And so Board staff will continue
17 to coordinate with them in terms of what they need to
18 actually maintain this moving forward.

19 VICE-PRESIDENT HODGKINS: I think it would be
20 interesting to find the PCA -- maybe you have done that,
21 Pete -- that says the city is responsible for maintenance
22 of this in the O&M manual. Is that available?

23 MR. GHELFI: Not to make anybody look bad. But
24 unfortunately the Corps of Engineers has not updated any
25 of their O&M manuals since 1950.

1 But we will -- as part of the GRR one of the
2 things we want to do is get this whole thing taken care
3 of. Any vegetation on levees, what type of maintenance is
4 allowed, unique structures such as flood walls and
5 tiebacks, get all that incorporated into a modern document
6 to reflect what's going on out there.

7 So I can carry back through my element on the GRR
8 side to incorporate some type of O&M update. Associated
9 with that, I think as Mr. Hester mentioned, his
10 coordination with the city staff that does the O&M, they
11 just want it written down how they're supposed to O&M, you
12 know, either the cantilever or the flood wall in those
13 features so that everybody's on the same page.

14 VICE-PRESIDENT HODGKINS: Well, I also think
15 there might be a desire -- if we don't have a cooperative
16 agreement or whatever we call them that identifies that
17 the city is the maintenance agency, we might want to get
18 that in place as part of the encroachment permit.

19 MR. GHELFI: Yeah, this -- this Promenade project
20 is not tied into the GRR. So they're not going to be
21 linked into any type of O&M associated with the GRR. I
22 think your suggestion about making sure the permit is
23 adequately conditioned to identify maintenance
24 responsibility and the standards that they must meet for
25 this criteria is the appropriate avenue to condition them.

1 VICE-PRESIDENT HODGKINS: Yeah, I just -- I'd
2 like to know that we think the city is the designated
3 maintenance agency for this region, that they have signed
4 off on their responsibility to indemnify and hold harmless
5 and all of that. That would -- and indemnification from
6 the city would be meaningful. They have lots of money.

7 (Laughter.)

8 PRESIDENT CARTER: Anything else?

9 MS. FRITZSCHE: I would just like to thank you
10 very much for giving us the opportunity for this early
11 look at our project. It's an important project for
12 Sacramento, and thank you for taking the time.

13 PRESIDENT CARTER: Thank you. And it's not too
14 early. So appreciate you coming. Thank you very much.

15 All right. Ladies and gentlemen, let's take a
16 five-minute recess. Please be back in your seats in five
17 minutes and we'll continue with Item 14.

18 (Thereupon a recess was taken.)

19 PRESIDENT CARTER: All right. Ladies and
20 gentlemen, please take your seats.

21 We're moving on to Item 14, Status of the
22 Proposed Changes to Title 23 of the California Code of
23 Regulations. This is something that our legal counsel has
24 been working on for some time. So we're looking forward
25 to much progress on the status.

1 So with that, Debra, good afternoon. Welcome.

2 MS. SMITH: Good afternoon.

3 PRESIDENT CARTER: Nancy, welcome.

4 DWR STAFF COUNSEL FINCH: Thank you.

5 PRESIDENT CARTER: Please, dazzle us.

6 MS. SMITH: Well, since the last update in
7 February, we have been meeting along with Board Member
8 Suarez with staff to systematically go through the
9 regulations and identify those that we could -- that may
10 need some changes. And as you can see from the handout
11 that we've passed out to, we've decided to divide the
12 changes up into a three-tiered approach, Tier 1 being the
13 ones that we'll take on this year and follow the general
14 timeline that I presented at the last meeting in February.

15 And so the Tier 1 changes will include all of
16 those that involve -- that are prompted by the AB 5
17 legislation, which would include evidentiary hearings, ex
18 parte communications. And delegations I believe falls
19 under that categories as well.

20 And then also under Tier 1 will be changes
21 related to easements, which include amendments to Code
22 Section 120(a)(5) and a new section, 138, which Ms. Finch
23 has already presented to the Board in the past and has
24 been working on that for some time.

25 Also in Tier 1 will be clean-up ledge -- or

1 cleanup and minor technical changes. And we've provided
2 you a list of what we believe those to be.

3 And for Tier 1, we are planning to hold an
4 interested-party meeting for stakeholders and members of
5 the public in late May or early June. And we believe
6 we're still on a timeframe to bring them back the final
7 versions of the language for your consideration at the
8 July meeting or possibly in August, depending on what kind
9 of comments and response we get, and other issues that may
10 come up in the meantime. And I'll let Ms. Finch discuss
11 and elaborate on the Tier 2 and Tier 3.

12 PRESIDENT CARTER: So just run the timeline by me
13 again. You're talking about doing a stakeholder review in
14 late May, early June?

15 MS. SMITH: Correct.

16 PRESIDENT CARTER: And assuming there aren't any
17 substantial comments, you'd be able to bring final
18 recommendations before the Board in July?

19 MS. SMITH: That's what we're shooting for. As I
20 said, it may be pushed into August, depending on what
21 types of issues we run into. But we believe we're still
22 on that timeframe. And then that -- after the Board
23 considers the language, I'm sure you'll have
24 recommendations and changes. We'll incorporate those and
25 then we'll post the notice, and that will trigger the

1 45-day comment period for the public.

2 PRESIDENT CARTER: Okay. And will the public be
3 invited to the early stakeholder meetings in May, June?

4 MS. SMITH: Yes.

5 PRESIDENT CARTER: So they'll have at least two
6 opportunities to comment?

7 MS. SMITH: At least two. And there'll actually
8 be a public hearing within that 45-day public comment
9 period.

10 PRESIDENT CARTER: Okay. Thank you.

11 I'm sorry. Ms. Finch.

12 DWR STAFF COUNSEL FINCH: First I want to mention
13 the difference between what we're calling the Tier 1 minor
14 technical issues and Tier 2 major technical issues. And
15 Tier 1 doesn't mean it's nonsubstantive. It means we're
16 ready to go on it, that staff has addressed all the issues
17 and it's ready to go even though they could be substantive
18 changes. And the Tier 2 major are technical changes where
19 staff still needs to work through some issues and consider
20 it and continue holding meetings and it's not quite ready
21 to go.

22 So the Tier 2 major technical changes, if you
23 noticed, staff has identified about 14 different
24 regulatory sections that could be changed. An example of
25 that is the definition of berm, where -- and currently the

1 regulations only talk about waterside berm. And in recent
2 years, landside berms have become an issue, where people
3 are engineering landside berms. And it would be nice when
4 people come to the Board and want to talk to the Board
5 about landside berms -- we're telling them, "This is what
6 we think landside berms are:" So those are the type of
7 issues that we're addressing in the second tier. And some
8 could be more or less complex. But that's what we're
9 going through to look at.

10 And so then Tier 3, what we have called obsolete
11 tools, is a bit in the exploration stage at this time.
12 Because we're looking at what is an our regs that no
13 longer works, that they're cumbersome, out of date. And
14 the process we're using to identify potential revisions is
15 first we're going to look at the current permit
16 application in the appendix and also other information in
17 the appendix that needs to be updated. And we just
18 haven't gotten to that yet, even to see at what tier we
19 could address it.

20 And another issue that's coming up is applicants
21 are asking if they could use their own forms in lieu of
22 our form. And I think that's occurring with work that
23 entities want to do in the Delta. And staff is open to
24 that. And that could be addressed in the stage.

25 And then another issue we want to look into is

1 new technology that isn't addressed in the regulations,
2 where the regulations might say you have to use a certain
3 type of pipe or something just because when the
4 regulations were written, this other technology didn't
5 exist. But we don't want to preclude the use of that
6 technology. So that will be another type of issue we
7 address in this third tier under obsolete tools.

8 And then the other issue I wanted to mention is,
9 even though we haven't had a stakeholder meeting yet, we
10 have had stakeholders who've heard we're going to revise
11 the regulations approaches. And one person has mentioned
12 how the current regulations were written in an era where
13 the permit process really doesn't fit what's going on
14 today, that the permit process is based on encroachments,
15 not on levee improvements or repairs. So if an entity
16 wants to come forward and improve a levee or repair a
17 levee, they have to do it by means of this encroachment
18 permit. And sometimes the standard permit conditions
19 don't apply. I mean they just don't make sense. And so
20 we want to go through and look at that issue as well; and
21 revise our regulations to perhaps include two permits, one
22 for two encroachments and the other for levee improvements
23 or repairs. Because at this point it's very confusing for
24 applicants.

25 And I think that's about it at this time. I just

1 want to say one last thing, that when we're considering
2 these revisions, they're really long past due. I've
3 spoken to the people in DWR who originally drafted these
4 regulations, and they assumed they would be updated and
5 revised soon after they were drafted or on a regular
6 basis.

7 And it's not a stagnant document. And the way
8 we're approaching it, we believe that we're narrowing it
9 down to workable chunks. That it can appear to be a big
10 project, but if we just keep going in our process, that
11 it's doable.

12 And that's it unless you have questions.

13 MS. SMITH: We'd certainly invite any discussion
14 or comment or questions about any of what we've presented.
15 But, as Nancy said, the approach is to take it in
16 digestible chunks and this is the approach we're
17 suggesting at this time.

18 VICE-PRESIDENT HODGKINS: Is it possible to get
19 an electronic copy of the regs as they exist now? I mean
20 I have a website that'll let me get them one page at a
21 time. But that's sort of cumbersome to try and read
22 through and make any sense out of.

23 DWR STAFF COUNSEL FINCH: Is it possible to scan
24 it and Email, like that?

25 SENIOR ENGINEER BUTLER: You could do that.

1 SECRETARY DOHERTY: How many pages?

2 DWR STAFF COUNSEL FINCH: Does someone have a
3 copy of it?

4 SUPERVISING ENGINEER FUA: This is the --

5 SENIOR ENGINEER BUTLER: It's probably about a
6 hundred pages --

7 SECRETARY DOHERTY: So that's what you're working
8 with?

9 MS. SMITH: Yeah. There are legal websites where
10 you can look them up. But I don't know that we have -- I
11 think there is one state website that does have a link.
12 And I'm not sure if it's on our website or not. But I
13 know there is a website where you can reach them.

14 DWR STAFF COUNSEL FINCH: But they're a challenge
15 to find.

16 VICE-PRESIDENT HODGKINS: Okay.

17 DWR STAFF COUNSEL FINCH: We can help you with
18 that. Or I'll help you with that.

19 VICE-PRESIDENT HODGKINS: Don't scan me a set,
20 please. Because I mean I want to be able to manipulate it
21 in a word processor.

22 DWR STAFF COUNSEL FINCH: Oh, okay.

23 SENIOR ENGINEER BUTLER: I do have some
24 electronic version that I discovered on one of our
25 servers. I haven't looked at it enough yet to determine

1 whether it's an early draft or whether it's current. And
2 it's not a download off that government code website. But
3 I would be happy to send it to you guys, and you guys can
4 determine if it's current or not. But it's somewhat
5 unwieldy and difficult to read. But I think it would
6 work.

7 MS. SMITH: Okay.

8 PRESIDENT CARTER: Ms. Rie.

9 BOARD MEMBER RIE: I was wondering if you -- in
10 this draft that you gave us it has definitions and it
11 says, "Clarify the boundary lines are one in the same."
12 Could you the next time you come before us take the
13 existing language from the regulations and do a red line
14 strike-out of exactly -- the exact word that you want to
15 change?

16 MS. SMITH: That is exactly what we will do.

17 BOARD MEMBER RIE: Okay. That'd be great.

18 PRESIDENT CARTER: Any other questions?

19 Comments?

20 BOARD MEMBER SUAREZ: If I may, Mr. President.

21 I just wanted to say I've had the opportunity to
22 sit through a number of the conference calls between the
23 attorneys and staff as they were working through --
24 thinking through this issue and its problem and developing
25 a three-tier process. And I felt after all those

1 discussions very comfortable that the approach was the
2 right approach. And in recognition that, yes, some of
3 these things might go away if we get legislation that
4 cleans up the latest version of -- with the latest
5 legislation. But we work under the assumption that the
6 Legislature will not likely act on it. So we might as
7 well be prepared. And this approach gives us that
8 flexibility. So I wanted to take an opportunity to thank
9 staff and the attorneys for the work they've done so far.

10 MS. SMITH: Thank you.

11 PRESIDENT CARTER: I'd like to echo that. I
12 think that -- I'm very encouraged, heartened by the fact
13 that we're finally getting around to doing some of this
14 and cleaning up some of this old stuff that has caused us
15 problems recently. So that's great. It looks wonderful.

16 Thank you.

17 MS. SMITH: Thank you.

18 DWR STAFF COUNSEL FINCH: Thank you.

19 PRESIDENT CARTER: Anything else?

20 Okay. Item 17, Future Agenda.

21 I believe that Lorraine passed out a copy of a
22 draft future agenda for our meeting on May 16th, 2008. As
23 you can see, it has a lot of placeholders in there for
24 consent items to keep Steve Dawson very, very busy for the
25 next several months.

1 (Laughter.)

2 PRESIDENT CARTER: Is there -- yeah, the front
3 page is pretty much boilerplate. The second page is
4 consent. We have a property management issue that's also
5 a bypass grazing lease, which we postponed.

6 Let's see. Resolution on Cherokee Canal. I'm
7 not exactly sure what that is.

8 EXECUTIVE OFFICER PUNIA: I can elaborate a
9 little maybe.

10 PRESIDENT CARTER: Okay.

11 EXECUTIVE OFFICER PUNIA: The Department of Water
12 Resources is planning to coordinate with U.S. Army Corps
13 of Engineers for a restoration -- habitat restoration
14 project in the watershed at the Cherokee Canal. And in
15 fact they're asking me to send a letter to the Corps just
16 informing the Corps that I'm bringing this item for the
17 Board's consideration.

18 So I hope that's acceptable to the Board that I
19 will to keep the process going at the Corps level, they
20 want an intent letter from the Board that we are willing
21 to participate as a non-federal sponsor in this
22 restoration project. And based upon the initial
23 conceptual product, that it will have multiple effects,
24 that it will reduce the sediment load into the Cherokee
25 Canal and it will also generate a habitat for endangered

1 species.

2 So we will be providing you much more detail
3 obviously during the next Board meeting. I want a little
4 bit of feedback from the Board that it's -- is it okay to
5 send the letter to the Corps providing that the staff is
6 supporting this project but we will take this project for
7 the Board's consideration in the next Board meeting?

8 BOARD MEMBER RIE: Does it involve elderberry
9 bushes?

10 (Laughter.)

11 EXECUTIVE OFFICER PUNIA: I think the initial
12 feedback I got from the staff, yes, there may be
13 elderberries in the mix.

14 SECRETARY DOHERTY: God forbid.

15 BOARD MEMBER RIE: You may not want to just send
16 a letter. You may want to come back and talk about it.

17 PRESIDENT CARTER: I think you probably can send
18 a letter saying that you're going to be bringing the issue
19 before the Board. But whether or not the Board's going to
20 support the project and act as a state sponsor is a big
21 question mark, depending on what the plan is.

22 EXECUTIVE OFFICER PUNIA: Gary or Steve maybe can
23 elaborate a little detail.

24 Gary, do you have any idea whether the
25 elderberries are in the mix or not?

1 CHIEF ENGINEER HESTER: No, I do not.

2 EXECUTIVE OFFICER PUNIA: Well, I think my
3 perception is that they are. But we'll verify it. And so
4 we'll just -- let's see. I want to make sure. So the
5 direction from the Board is not to send a letter or I can
6 just send the letter that we will be bringing it to the
7 Board in the month of May?

8 PRESIDENT CARTER: I would tell them that we're
9 agendizing it for May and the Board will consider it.

10 EXECUTIVE OFFICER PUNIA: Okay.

11 PRESIDENT CARTER: Nothing under Hearings and
12 Decisions at this point.

13 We have an informational briefing on the River
14 Islands, I guess, Phase 2 and Paradise Cut.

15 EXECUTIVE OFFICER PUNIA: I think the intent here
16 is -- we were not able to put the language correctly. We
17 will brief the rest of the Board -- some of the Board
18 members are familiar with the settlement details and some
19 of the Board members may not be familiar with the
20 settlement details. So we'll brief the Board what this
21 settlement is, what the proposal is for the Paradise Cut
22 Bypass, and then we will also brief the Board about the
23 next permit for the River Islands.

24 PRESIDENT CARTER: Okay. And then the balance,
25 Board reports and whatnot, is basically the same.

1 Is there anything that Board members would like
2 to add to the agenda?

3 BOARD MEMBER SUAREZ: Mr. President, if I may.

4 This week there was a key legislative deadline on
5 bills getting out of their first committee. And I would
6 like to invite Mr. Schimke to come and update us next
7 month on where we are on the bills that would be of
8 interest to us.

9 SECRETARY DOHERTY: Who?

10 PRESIDENT CARTER: Mr. Schimke -- Casey Schimke?

11 BOARD MEMBER SUAREZ: Yes.

12 PRESIDENT CARTER: Okay.

13 BOARD MEMBER SUAREZ: So if we can add it as part
14 of the DWR report.

15 PRESIDENT CARTER: When was the deadline?

16 BOARD MEMBER SUAREZ: This week. They had to get
17 out of the first committee, the committee of origin.

18 PRESIDENT CARTER: Okay. Very good. So we'll
19 ask for a ledge update under Item 5.

20 Anything else?

21 Mr. Butler.

22 SENIOR ENGINEER BUTLER: Point of clarification.

23 Back on the consent calendar proposed for the May
24 meeting, items -- what was it, 7? -- yeah, 7C and J, those
25 are actually items that will have to be hearings in the

1 future. They're not consent items. So for now let's -- I
2 would suggest that we strike them from this calendar. I
3 just confirmed that with Steve.

4 EXECUTIVE OFFICER PUNIA: Item --

5 SENIOR ENGINEER BUTLER: -- 7C, it's Permit
6 18191; and 7J, Permit 18336.

7 PRESIDENT CARTER: So are you saying that they
8 are potentially hearings for the May meeting or --

9 SENIOR ENGINEER BUTLER: No. There will be
10 hearings. They probably won't be ready for the May
11 meeting.

12 PRESIDENT CARTER: Okay.

13 SENIOR ENGINEER BUTLER: So at this point our
14 best guidance to you would be to not have them in this
15 agenda.

16 PRESIDENT CARTER: Okay.

17 BOARD MEMBER RIE: I have a request for the
18 General Manager.

19 Could you check in with the Corps and find out
20 where we are on the 104 credit request and the 408
21 request? You know, we have a lot of requests into the
22 Corps. And if you can just get a briefing on where
23 they're at next month, that would be great.

24 EXECUTIVE OFFICER PUNIA: Yes, we can provide the
25 briefing.

1 PRESIDENT CARTER: That we can do under the
2 report of the activities of the Executive Officer.

3 VICE-PRESIDENT HODGKINS: And, Jay, you told us
4 earlier about delegation of 408. Could you bring Teri up
5 to speed. She's probably very --

6 BOARD MEMBER RIE: I know.

7 VICE-PRESIDENT HODGKINS: Oh, you know. Okay.

8 EXECUTIVE OFFICER PUNIA: You want a briefing now
9 or some --

10 VICE-PRESIDENT HODGKINS: It's okay.

11 EXECUTIVE OFFICER PUNIA: Yeah, I'll share a copy
12 with you and give you a call.

13 PRESIDENT CARTER: Very good.

14 Anything else?

15 All right. We'll work towards that.

16 Thank you for your input.

17 At this point we are going to reconvene closed
18 session under Item 18 to consider the annual performance
19 of the Executive Officer pursuant to Government Code
20 Section 11126(a)(1).

21 So everyone is excused. And we're going to chat
22 a little more.

23 (Thereupon the meeting recessed
24 Into closed session.)

25 /////

1 (Thereupon the Central Valley Flood
2 Protection Board open session meeting
3 adjourned at 5:00 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing Central Valley Flood Protection Board open
7 session meeting was reported in shorthand by me, James F.
8 Peters, a Certified Shorthand Reporter of the State of
9 California, and thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 1st day of May, 2008.

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22 JAMES F. PETERS, CSR, RPR

23 Certified Shorthand Reporter

24 License No. 10063

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